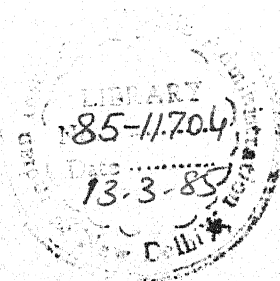


## MUNICIPAL EXECUTIVES IN INDIA

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# MUNICIPAL EXECUTIVES IN INDIA

*Edited by*  
**ABHIJIT DATTA**



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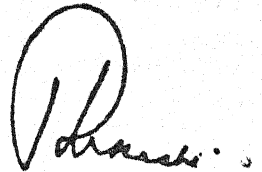
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## FOREWORD

The question of the municipal executive is one of the most vexed problems in municipal government in India. We have been examining some of these problems through the pages of our quarterly journal *Nagarlok*, including its special issue on "Mayor-in-Council" (Vol. XIII, No. 4). In this volume are brought together some of the selected articles published in the past issues of *Nagarlok*, which critically examine the problem. Prof. A. Datta has written a connecting Introduction and edited the volume for wider circulation.



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(P.R. DUBHASHI)

*Director*

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## INTRODUCTION

The structural components of the municipal executive in India are rooted in its colonial past. Basically the problem is to make : (a) the present system politically accountable to the municipal council, and (b) to introduce a whole-time political executive in the municipal arena. The existing arrangements have variations in terms of the types of authorities and in regional dimensions. The *municipal corporations* have a state-appointed executive functionary called the commissioner, who shares executive powers along with the elected council and its standing committee. Here the problem is to introduce a political executive to whom the commissioner is fully accountable. *Municipalities* in the southern states follow the corporation pattern and the problem of executive system there resembles that of the municipal corporations. In other states, however, the executive system has two broad variations: (a) in states with a municipal chief officer sharing executive responsibilities with the part-time elected chairman, and (b) in states with a part-time elected chairman functioning as the sole municipal executive. In both cases, the executive functionaries share limited degree of executive powers with the municipal council. Here the problem is to delineate the roles of the elected chairman and the appointed executive officer. One way is to opt for a full-time political executive, with the appointed chief officer responsible to it; the other way is to delegate executive powers to the chief officer with only the supervisory control powers to be retained by the elected chairman. The situation is somewhat complicated in the states having a centralised municipal personnel system with a state director of municipal administration exercising control over the activities of the municipal chief officer, along with the municipal chairman.

The executive problem of the *smaller municipal bodies*, like the notified area and town area committees (also the cantonments), is to dissociate the district officers (army officers in case of cantonments) from acting as members of the municipal council, with a minority of elected members in the board. Here the problem is really democratisation of the boards to make these self-contained from the point of view of autonomous decision-making.

The executive system, as outlined above, represents historical developments in municipal governments in India; the least developed system of political accountability noticeable in the smaller municipal bodies was the earlier form of municipal executive in India with the district officer functioning as the part-time municipal chairman, assisted by two other district functionaries (health officer and executive engineer) in a largely nominated board.

The system started changing during the 80s of the last century and with the Montford Reforms in 1919 the district officer was substituted by an elected chairman of the municipal council, having all the executive powers of the district officer. Along with the district officer, the other two district functionaries also had to be withdrawn with the induction of elected members in the council. The position in regard to the smaller municipal bodies, however, did not change.

At around the same time when the municipal councils had elected chairmen, for the larger cities a state-appointed chairman of the municipal corporations was substituted by an elected mayor to preside over the council. The executive functions of the erstwhile corporation chairman was now vested in another state-appointed executive functionary, *viz.*, the commissioner. This was the executive system devised for the Bombay municipal corporation which remains unchanged till today for all the municipal corporations in the country, as also in the municipalities of the four southern states.

After independence, retention of the existing executive system in the municipal corporations (and also in the southern municipalities) and in the smaller municipal bodies (including the cantonments) has created problems of power-sharing among the elected municipal members and the appointed executive functionaries. To some extent, this is also experienced in the municipalities with state-appointed chief officers.

The papers selected for this volume discuss the various issues of the municipal executive in the context of : (a) coordinate executive authorities in the municipal corporations, (b) single political executive in the municipalities, and (c) democratisation issue in the smaller municipal bodies.

#### COORDINATE EXECUTIVE AUTHORITIES

As many as nine papers are devoted to the problems of the executive in the municipal corporations. The first paper, by James and Rao, points out that the artificial separation between the deliberative and the executive wings in the municipal corporations generates conflict between the politicians and the civil servants at the local level having access to their peers in the state government. In the next paper, Mallikarjanayya contends that "the relationship between the Commissioner and the Standing Committee is one of perpetual conflict . . .". The third paper, written by a former commissioner, puts the issue more bluntly : "the authority and responsibility must be made to vest in one and the same place—whether in the Commissioner or in the Corporation through 'Mayor-in-Council' device or a Cabinet form of structure".

The next paper written by Samaddar, a former administrator of the Calcutta municipal corporation, traces the evolution of the office of the

Commissioner in Calcutta until he is made subordinate to the mayor under the new Calcutta Municipal Corporation Act, 1980. The author, however, feels that change in the functioning of the municipal corporation under the new legislation would be dependent on changes in its inner working in terms of values, structure, etc.

The next two papers advocate for a system of political executive for the municipal corporations. Sinha's suggestion is to have a council-mayor plan with a chief administrative officer, while Bhattacharyya would substitute a mayor-in-standing committee for the existing all-party standing committee in the municipal corporations. The first suggestion would entail introducing a complicated system of checks balances in executive administration alien to Indian experience, while the second suggestion would only exacerbate the existing conflicts between the ruling political party and the appointed commissioner in the municipal corporations.

The next three papers examine the implications of the mayor-in-council plan under the newly enacted (1980) municipal corporation legislations of Calcutta and Howrah. While admitting that the new system will "bring back political sanction to city administration", Biswas hopes that corresponding changes in state-municipal relations would be made to make it function effectively. Malhotra points out that apart from structural changes in management and the leadership role of the mayor-in-council, the performance of the municipal corporations would be influenced by: (a) the role of the state government *vis-a-vis* the municipal corporation, and (b) the political and socio-economic environment of the city. Moitra also joins the issue by saying that "the question of introducing mayor-in-council is the political will at the state level", particularly by the state legislature. Even under the new Calcutta Act of 1980 the authority of the state government in matters of financial control and sanctioning of schemes persists; under the circumstances the mayor-in-council system "would be a superior form of administrative arrangements in the municipal corporation", rather than ushering in an autonomous system of government at the city level.

The paper by Mukhopadhyay covers the entire question of municipal executive management under various organisational arrangements. So far as the municipal corporations are concerned, Mukhopadhyay notes that a recent official study group (1983) recommended the mayor-in-council executive in the cities with a population of a million and over, and in the capital cities of the states. This presumably covers the existing municipal corporations and the major municipalities. This in effect would mean creation of two types of municipal corporations—one with the mayor-in-council, and the other with the mayor-in-standing committee. Mukhopadhyay questions the justification for this type of artificial distinction in management structure whereby the larger cities

only would have a single-party political executive, and the smaller cities will make do with a mayor and an all-party executive standing committee.

With the passage of the new Calcutta and Howrah Municipal Corporation Acts (1980) the official study group now endorses the mayor-in-council plan for the municipal corporations in the bigger cities. The actual working of the new executive system under elective councils would determine the extent of its replicability in other states. In terms of legislative changes, the direction seems clearly in favour of substituting a political executive in the municipal corporations, in place of the existing arrangement of coordinate executive authorities.

### SINGLE POLITICAL EXECUTIVE

Mukhopadhyay notes that the executive system in the municipalities has remained unchanged for decades; obviously, this does not include the municipalities in the southern states where coordinate executive authorities exist and their reform would follow future developments in the municipal corporations in those states. For the rest, there have been intermittent efforts to introduce a directly elected President in UP, MP, and Maharashtra. However, in the absence of corresponding changes in the conception of the council—as under the strong mayor system in the US—the directly elected presidents came into conflict with the council retaining its executive powers. Very soon the experiments were abandoned. Maharashtra also introduced a statutory standing committee, as in the case of the municipal corporations. Municipal chairman in West Bengal, as Mukherjee describes, exercises almost unfettered executive authority in municipal management. This represents the situation in the eastern states without unification of municipal cadres. On the other hand, as Bhattacharya notes, centralisation of municipal personnel, under integrated or unified systems, has effectively divided the municipal executive responsibilities between the elected chairman and the appointed chief officer. This is also the situation where appointment of a chief officer is mandatory, as in Gujarat. Reform in municipal personnel, therefore, has the consequence of limiting the role of the municipal chairman to be a supervisory functionary over an appointed chief officer in whom municipal executive responsibilities are statutorily vested. The rationale for this arrangement is due to the fact that the elected municipal chairman is a part-time functionary; the alternative of a full-time political executive in the municipalities has not been considered by any official committee so far, nor was it tried under the directly elected presidents in some of the states mentioned earlier. It is obvious, however, that the future success of a full-time political executive in the municipal corporations would release forces to

search for similar experiments for the municipalities as well; in such a case, the relationships between the political and appointed executive in the municipalities would undergo corresponding changes.

#### DEMOCRATISATION ISSUE

The executive system of the smaller municipal bodies is the resultant of absence of full democratisation in their boards. The recent study group (1983) has suggested full-fledged democratisation for the town area committees, while for the notified area committees the suggestion is to accord them full municipal status. If implemented, their executive system will resemble that of the municipalities, with the attendant problem of a full-time political executive noted earlier. For the cantonments, however, the study group suggests that the civil area committee of the board should act as a municipal body. It is not clear how this would take place in a partially-elected cantonment board. So long as a cantonment is seen as subserving the health needs of the troops rather than the democratic needs of the civil population in these areas, the cantonment executive will be controlled by the army interests.

Any reform of the executive system of the smaller municipal bodies, therefore, hinges on the eventuality of their full democratisation of the council composition. In the event of such democratisation, the present aberrations in the executive system are expected to disappear.

#### CONCLUSION

We have seen that the existing distinction between the municipal corporations and the municipalities lies mainly in the variations of their executive arrangements; on the other hand, the degree of democratisation between the municipalities and the smaller municipal bodies is the root cause of difference in the executive structure. It seems likely that in future these differences would largely disappear resulting in a more uniform system of municipal executive in the country. In such an event municipal gradations would be based on a combination of factors, like, income, population and area.

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# CONTENTS

	PAGE
FOREWORD	v
INTRODUCTION	vii
THE COUNCILLORS AND THE COMMISSIONERS IN HYDERABAD: THEIR ROLES AND RELATIONS <i>P.A. James and A. Murlidhar Rao</i>	1
THE WORKING OF THE STANDING COMMITTEE <i>G. Mallikarjanayya</i>	8
ROLE OF A MUNICIPAL COMMISSIONER <i>R.N. Chopra</i>	16
CALCUTTA'S MUNICIPAL ACTS AND THE COMMISSIONER <i>Sivaprasad Samaddar</i>	22
A CASE FOR POLITICAL EXECUTIVE IN MUNICIPAL GOVERNMENT IN INDIA <i>Ramashraya Sinha</i>	33
REMODELLING THE CITY GOVERNMENT OF CALCUTTA <i>M.K. Bhattacharyya</i>	41
IMPLICATIONS OF THE MAYOR-IN-COUNCIL FOR CITY GOVERNANCE <i>Kalyan Biswas</i>	46
STRUCTURAL CHANGES AND PERFORMANCE CHARACTER- ISTICS: PROSPECTS FOR MAYOR-IN-COUNCIL IN CALCUTTA CORPORATION <i>D.D. Malhotra</i>	53
MAYOR-IN-COUNCIL: PROSPECTS FOR THE FUTURE <i>M.K. Moitra</i>	75

	PAGE
MUNICIPAL MANAGEMENT STRUCTURE: A RECURRENT PROBLEM REVISITED <i>Asok Mukhopadhyay</i>	84
THE CHAIRMAN UNDER THE BENGAL MUNICIPAL ACT <i>Subrata Kumar Mukherjee</i>	95
PERSONNEL SYSTEM AND MUNICIPAL MANAGEMENT STRUCTURE <i>Mohit Bhattacharya</i>	102
A SELECT BIBLIOGRAPHY	117

# THE COUNCILLORS AND THE COMMISSIONERS IN HYDERABAD: THEIR ROLES AND RELATIONS

P. A. JAMES

A. MURALIDHAR RAO

THE SCOPE of this article is restricted to analysing the possible causes for friction between the Commissioner representing the executive wing, and the Mayor, the Standing Committee and the Council, representing the deliberative wing and to indicate the type of relations that exist and the lines along which they tend to develop.

The Hyderabad Municipal Corporation is governed by the Hyderabad Municipal Corporation Act, 1955 (hereinafter referred to as the Act). It may be useful to present, before discussing the relationship between the two wings, the relative roles of both and the importance of each in the organisational set-up of the Hyderabad Municipal Corporation.

## ROLE OF DIFFERENT AUTHORITIES

The Council is considered supreme because the city municipal government vests in it and it is one of the authorities of the Corporation, the other two being the Commissioner and the Standing Committee. The Council, consisting of elected representatives of the people, is responsible for policy making and for exercising important functions. For instance, the council has a considerable voice in matters of appointment, contracts, and approval of the budget. In practice, it is required to share some powers with other agencies, subject to certain limitations. As the deliberative wing of the Corporation, the Council elects the Mayor, the Deputy Mayor, the Standing Committees and the members of various other committees.

The Municipal Commissioner is appointed by the State Government and not by the Council.

Under the Act, the Mayor is not one of the authorities of the Corporation. He is elected annually and holds office until his successor is elected. Although he has all the powers of a presiding officer, he does not have any statutory power to lay down policy. The Council is the prime policymaking body.

As the Council meets infrequently, the committee system is practised for efficient transaction of business. Among the committees, the Stand-

ing Committee can be considered to be supreme because it is a statutory committee and one of the three authorities of the Corporation. It consists of sixteen members elected by the Councillors at the first meeting after the general elections of the corporation. One half of the members of the Committee retire every succeeding year. The Chairman of the Committee is elected at its first meeting from among its members and is eligible for re-election.

The functions performed by the municipal Commissioner, who is the chief executive officer, may be classified as administrative and financial.

The administrative functions of the commissioner include enforcing the resolution of the Corporation, exercising control over the staff, granting licences, making temporary appointments, imposition of penalties for breach of statutory provisions, and implementing Standing Orders in respect of certain municipal matters.

The important financial duty performed by the Commissioner is the preparation of the budget. The Commissioner also performs certain functions which are non-administrative in character. He convenes the first meeting of the Council after elections, takes part in the discussions of the Council, attends the meetings of the Standing Committee, and with the permission of the presiding officer makes statements, when necessary, but he does not vote. The Commissioner is under an obligation to answer the interpellations on the councillors regarding the Corporation's administration, but he need not answer questions detrimental to the interests of the Corporation.

#### *The Mayor and the Commissioner*

Although the Mayor is a layman, he is often a shrewd judge of human nature, an experienced politician and an expert in human relations. The municipal commissioner is a senior IAS officer and as such possesses professional expertise and wide administrative experience.

The institutional and operational roles of the Mayor and the Commissioner are distinctively different. Normally, there would be no occasion for clash of interests. The Commissioner, as a senior civil servant is expected to faithfully implement the provisions of and the resolutions passed by the Council. His business is not only to see that the provisions of the law are upheld but also to prevent unlawful acts. Sometimes, the Mayor in conjunction with the Council can create hurdles and delay or thwart the execution of work. The 40 lakhs grant episode is a case in point. The Government granted Rs. 40 lakhs to the Corporation towards roads and sanitation. Some councillors appreciated the gesture of the Government in releasing the grant but others resented the strings attached to it. The dissatisfaction was based on the ground that the grant bore no relation to the general neglect of the slums in the city, the amount

was arbitrarily fixed by the government and the motivation was political, namely, to benefit particular areas or promote sectional interest. The Mayor stayed the execution of works undertaken under the grant. When members questioned the competence of the general body to recommend a stay, the Mayor replied that the order had the approval of the majority. Thereupon the members staged a walkout in protest against the action taken by the Mayor.

Occasionally, there may be conflicts between the Commissioner and the mayor. If any Councillor refuses to oblige the citizen he would naturally approach the Mayor, who in turn takes up the citizen's case with the Commissioner. The office of the Mayor confers no powers, but it provides easy access to various persons in authority. If the Commissioner obliges the Mayor, the relationship becomes naturally cordial.

#### *The Standing Committee*

The Standing Committee is the meeting point of the deliberative and the executive wings of the Corporation. The Standing Committee speaks for the Council, and the Commissioner presents the difficulties of the executive wing. The Chairman of the Standing Committee has to play a balancing, compromising and harmonizing role.

The Commissioner initiates proposals and places them before the Standing Committee; so the Committee feels that it should be in a position to summon the Commissioner, to clarify any issues arising out of the proposals. The Act is silent on this aspect and there have been instances of the Commissioner's refusal to attend the meetings of the Standing Committee, the Government advised the Commissioner through a demi-official letter to attend the meetings, but he ignored it. Thereupon, the Chairman of the Standing Committee played a simple trick, leaving no alternative to the Commissioner but to attend the meetings. The Chairman after fully analysing the Commissioner's proposals stated that they were ambiguous and asked the Commissioner to clarify them by quoting the sections of the Act under which he initiated them. The Commissioner was further informed that he alone would be responsible for the consequences, should the Government suspend the resolutions passed by the Standing Committee in the absence of the Commissioner. This had the dramatic effect of making the Commissioner attend the meetings much against his wishes.

Instances where the Standing Committee encroached upon the powers of the executive are not wanting. The Committee called for information on matters which did not fall within its ambit. Under the provisions of the Act the power of issuing a licence for carrying on any trade or operation vests in the Commissioner but in a case the Standing

Committee unanimously resolved to issue licence to a hotel.<sup>1</sup>

Further, the Standing Committee in most of the cases revised the orders of the Commissioner undermining the discipline among employees. For instance, some employees of the rank of Bill Collector and Tax Inspector who were dismissed, were reinstated as per the appellate decisions of the Standing Committee. In other cases, where the employees were awarded punishments such as stoppage of increment, recovery from salary and reduction in rank, the Committee either exonerated them from the charges or recommended considerably lesser punishment.<sup>2</sup>

Disagreement and friction between the Standing Committee and the Commissioner arise for varied reasons. Normally, the proposals of the Commissioner are accepted by the Standing Committee. The Commissioner naturally feels humiliated when his proposals are rejected. This could very well be the starting point of future misunderstanding. The Standing Committee recommends the adoption and implementation of certain proposals but the Commissioner may, by wilful acts of subtle interpretation and diplomacy, create problems, complicate matters and incur the displeasure of the Committee. The Commissioner, it is alleged, tries to justify his actions by offering explanations for his stand, which on deeper examination prove to be incorrect. Further, the implementation of recommendations may be purposefully delayed much to the irritation or annoyance of the members of the Standing Committee. The Commissioner, it is felt, is largely responsible for the creation of unpleasant atmosphere and the resultant strained relations.

If, on appeal, the punishment inflicted by the Commissioner on the employees are revised or modified by the Standing Committee or the Corporation, the Commissioner feels helpless as he cannot, under the Act, refer these decisions to the Government. Naturally, the Commissioner feels bad that his decisions in matters of discipline, for which he is statutorily responsible, should be over-ridden by the Committee.

Should the Standing Committee tend to out-reach the Commissioner by exceeding its statutory power, it may further embitter and worsen the already complicated situation. For example, when the Commissioner reported to the Government about the state of affairs in the Corporation, the Government served a show cause notice on the Council. Then the Standing Committee unanimously resolved to request the Commissioner to place before it the two letters he had written to the Govern-

<sup>1</sup>Vide, *Report of Special Inspection of the Working of the Hyderabad Municipal Corporation in the year 1970*. Government Central Press, Hyderabad 1970, p. 46 (hereinafter called Report).

<sup>2</sup>Vide, Appellate decisions of the Standing Committee through Resolutions No. 926, dated 22-3-1969, No. 989, dated 31-1-1970 and No. 1092 dated 9-1-1970 quoted in the *Report op. cit.*, pp. 277 and 281.

ment. The Commissioner replied that he was not bound to produce them as they were confidential<sup>3</sup> and also pointed out that the Standing Committee had no statutory right to demand their production.<sup>4</sup>

Moreover, in matters of sanction of works and contracts, it is but natural for some Councillors to get interested. The ambiguous discretion left to the Standing Committee affords the members opportunity to interfere, and paves the way for favouritism, and corruption. The Standing Committee had accepted tenders other than the lowest or other than those recommended by the Commissioner without recording reasons. During 1969-70, it was found that the Committee accepted tenders for the execution of works estimated to cost Rs. 6,79,355 other than those recommended by the Commissioner.<sup>5</sup> Instances are not rare when the Standing Committee has sanctioned works on the basis of the letters of individual councillors.<sup>6</sup> To cite a specific case, although statutorily the Commissioner is the authority to take suitable measures for lighting of public streets, the Standing Committee, surprisingly, on the letters of individual councillors had approved the fixing up of the tube lights and mercury vapour lamps.<sup>7</sup> At times, the Committee failed to obtain the remarks of the Commissioner before according sanction for the execution of works.

Misunderstandings, if any, could be cleared and resolved when the Commissioners and members of the Standing Committee would meet to discuss problems across the table. But existing mistrust and ill-will may force them to choose otherwise undesirable alternatives. Although, real issues differ, the member will find outlets on alleged false pretexts to give vent to their hidden animosity. For instance, it was alleged, the Corporation approved the installation of Dr. Ambedkar's statue some time back. Against the Commissioner's refusal to instal it in a traffic island, it was reported that fifteen out of sixteen members of the Standing Committee wanted to go on fast. Actually twelve members went on fast and due to the intervention of the Mayor and the Chairman of the Standing Committee, the fast lasted only for about two hours. Further, it was reported that the Standing Committee actually passed a resolution approving the installation six months prior to the fast. The objection, in fact, came from the Directorate of Town Planning on grounds of

<sup>3</sup>*The Deccan Chronicle*, Hyderabad, December 24, 1968.

<sup>4</sup>The statutory position is that the Standing Committee can require any officer to attend its meetings and make a statement or explanation of acts or supply such information as may be necessary [Sec. 97 (n)]. But it may be interesting to note that as per the Act 'any officer' does not include the Commissioner [Sec. 1 (7)]. It is only the Council that can ask the Commissioner to produce the correspondence and the Standing Committee does not enjoy such a power [Sec. 121 (1) (a)].

<sup>5</sup>*The Report, op. cit.*, p. 41.

<sup>6</sup>*The Report, op. cit.*, p. 38.

<sup>7</sup>*The Report, op. cit.*, pp. 43-44.



hindrance to traffic. It may be recalled that some of the senior councillors were unable to see eye to eye with the Commissioner. Possibly, the question of installation of the statue and the fast were rare pretensions to let off steam.

### *The Role of the Council*

The Council has not been permitted to encroach upon executive jurisdiction. Still, it has some control over other matters, as would be evident from the following provisions:

- (a) The Council is authorised to restrict or prescribe the manner of exercise of any powers and duties by the Commissioner under any other law which confers, imposes or vests in the Corporation such powers and duties.
- (b) The Council can recommend transfer of the Commissioner when dissatisfied, although it has no voice in his appointment.
- (c) It can ask the Commissioner to attend the meeting of the Council and can call for explanation and require him to submit plans and documents, etc.

These powers, if properly exercised by the Council, ought to be enough to keep the Commissioner in his place. If at any time, the Council fails to control the Commissioner it should be inferred that the trouble may not be so much with the Commissioner as with the Council for its inability to exercise the powers it already enjoys in an appropriate manner.

Whatever might be the origin of a trouble, it finally reaches the Council for an effective solution. The controversy over delegation of powers led to a serious conflict between the Council and the Commissioner. The Standing Committee approved the delegation of powers of the Commissioner to subordinate officers to expedite the work relating to complaints and revision petitions of tax assessment. Because of ill-will and animosity that developed, the Council directed the Standing Committee to take steps to withdraw delegation already sanctioned. The Standing Committee unanimously agreed and passed a resolution to that effect. The Council also passed two resolutions, one on the reassessment of properties and another on disposal of petitions, reversing its earlier stand. Under the new arrangement, the Commissioner was wholly made responsible for all the work, which paralysed the decentralised arrangement provided for earlier. Thereafter, the Council complained of the Commissioner's neglect of duty pointing out the pending cases. The Commissioner informed the Government about the unhappy situation, which prompted the Government to serve a show cause notice. The trouble continued for a long time and finally ended with

the transfer of the Commissioner.

### CONCLUSION

If a review of the whole process is made, it looks as though the Mayor acts as a buffer between the Councillors and the Commissioner. Searching and enthusiastic Councillors try to put the Commissioner in trouble, and the Commissioner defends the administration against the hostile and non-sympathetic councillors. Judged purely on the basis of the terms of their offices, while the Commissioner can look forward to tangible results and have a sense of achievement, the Mayor, obsessed with the shorter tenure of office, will be less sure of positive achievement. In the normal discharge of his duties, the Commissioner may face troublesome situations and earn disrespect, whereas even a slight departure from the established practices to do certain things in the name of public interest may bring the Mayor lot of publicity and fame.

The senior officer who is posted as Commissioner will have to adjust himself to the realities of the situation. Failure on the part of the Commissioner to come up to the expectations can be explained in two ways. First, it may be due to his unwillingness to adjust himself to the changing situation. Second, the administrative change may far exceed the level of competence of the person deputed to serve.

A good majority of the Councillors may belong usually to the ruling party and if they have trouble with the Commissioner, they have easy access to their party bosses including the Ministers. For party considerations, the leaders give them what is generally called their 'blessings'. Therefore the stand taken by the Councillors at the Corporation meetings, in some cases, may or may not represent the real situation. The Commissioner as a civil servant is somewhat helpless as he lacks the access to higher political level which the Councillors possess. Nevertheless, as an agent of the Government he keeps the Government informed of all the developments in the Corporation. Depending upon the merits of the issue and the weight the state secretariat gives to his reports, he obtains some support. In such cases, what appears to be a conflict between the deliberative and the executive wings is transformed into a conflict between the politician and the civil servant. □

# THE WORKING OF THE STANDING COMMITTEE

G. MALLIKARJANAYYA

**T**HE COMMITTEE system in local government is widely prevalent both in England and India. When the Council's membership is large, the detailed supervision of municipal administration is undertaken by the committees. As the modern local governments are rendering a wide range of services, the committees are indispensable for administrative purposes. As the number of services performed by the Councils increases and their work becomes more complex, committees will be increasingly required for administrative convenience. The purpose of committees is to lighten the pressure of Council work, to provide efficient despatch of business and also to secure adequate control of municipal administration.

The present paper is concerned with the working of the Standing Committee of the Hyderabad Municipal Corporation. The Corporation consists of three bodies, viz., the Corporation (Council), the Standing Committee, and the Municipal Commissioner, and they are statutory coordinate authorities. The Council is mainly the policy making body which also supervises municipal administration in general. The Council appoints special committees and ad hoc committees to deal with specific assigned subjects. The Standing Committee is the second statutory coordinate authority which deals with all financial transactions of the city government and closely supervises the day-to-day executive administration. The Commissioner is the executive head of municipal administration. He implements the decisions of the Council and the Standing Committee provided they are within the ambit of statutory powers. The position of the Standing Committee in the Corporation structure is unique. It is the solitary statutory committee and as such a powerful organ of the Corporation. Unlike the committees in British local government, the Standing Committee is independent of the Council although its members are elected by the latter. Moreover, it is in sharp contrast to the provisions of Madras and erstwhile Calcutta Corporation Acts where there are more than one statutory committees. Another interesting aspects of the Standing Committee is its quasi-executive, quasi-legislative and quasi-judicial functions. As most executive responsibilities are concentrated in the Commissioner, the Standing Committee is a mechanism that maintains continuous supervision on behalf of the Council over the executive administration.

## COMPOSITION

The Standing Committee consists of 16 members who are elected by the Council from among its members. One-half of its members retire every succeeding year. The procedure for retirement is that the members who have served longest are made to retire in batches depending upon the length of period they have been members. In case of a member who has been reappointed, his term of office counts from the date of his appointment. The Council at its meeting held in the month preceding the date of retirement appoints fresh members of the Standing Committee to fill the vacancies. Any Councillor is eligible for reappointment to the Standing Committee.

It is customary for various political parties represented in the Council to prepare a panel of names for purposes of election to the Standing Committee. Since the choice of members of the Standing Committee is based on majority vote, it becomes inevitable that the panel prepared by the majority party gets elected.<sup>1</sup> Thus, all the 16 members of the Standing Committee can come from the ruling party. In practice, the Congress Party has been consistently maintaining its majority over a decade and a half. It has evolved a convention to vote into the Standing Committee a couple of members from the opposition parties who are generally sympathetic and non-controversial in nature. Experience has shown that the ruling party has consistently chosen independents from the opposition, to be members of the Standing Committee.

## MEETINGS

The Standing Committee meets once a week for the transaction of its business. However, it meets more frequently and sometimes the maximum number of meetings in a month goes up to 7 to 8. The frequency of the meetings of the Standing Committee indicates that it is almost continuously in session. The agenda for each meeting contain on an average about 70 items which include both backlog of items transmitted to the current meetings and new items. In an ordinary meeting which is generally in session for 3 hours, the Standing Committee can consider on an average 15 items per meeting.

## POWERS

The powers of the Standing Committee could broadly be classified

<sup>1</sup>Some Corporation legislations provide for proportional representation in the Standing Committee.—*Editor*.

into five categories, viz.: (1) making rules and regulations, (2) delegation of powers, (3) financial powers, (4) powers relating to service matters, and (5) powers relating to acquisition and disposal of property.

The Standing Committee makes rules and regulations in respect of its meetings. It may appoint sub-committees and delegate some of its functions to them. The sub-committees conform to the instructions that may be given to them by the Standing Committee from time to time. It also delegates to a special committee any of its powers and duties in respect of any matters with which such special committee is competent to deal. With regard to financial powers, it sanctions contracts for the amounts ranging between Rs. 5,000 and Rs. 50,000. With its sanction, all the deposits and investments are made by the Commissioner on behalf of the Corporation. If the whole budget grant or any of its portions remains unexpended at the end of the year in the budget estimate of which such grant was included, and if the amount has not been taken into account in the opening balance of the Municipal Fund, the Standing Committee may sanction the expenditure of such budget grant or such unexpended portion, during the next two following years for the completion, according to the original intention or purpose for which the budget grant was made but not upon any other purpose. The Municipal Commissioner prepares the estimates of income and expenditure in such form as the Standing Committee approves from time to time. As regards powers relating to service matters, it specifies the duties of the Municipal Examiner of Accounts with regard to the audit of accounts of the Municipal Fund. It appoints municipal officers and servants, whether temporary or permanent, whose minimum monthly salary, exclusive of allowances, is rupees one hundred or more, but does not exceed rupees one hundred and sixty-nine. It is empowered to appoint municipal officers and servants immediately subordinate to the Municipal Secretary, whether permanent or temporary, whose minimum monthly salary is less than rupees one hundred. It may determine the number, designations, grades, fees and allowances of officers and servants to be immediately subordinate to the Municipal Examiner of Accounts and the Municipal Secretary. It may conduct an examination and audit of the Corporation accounts.

In the case of powers relating to acquisition and disposal of property, the Municipal Commissioner acquires the immovable property of the Corporation at such rates as fixed by the Standing Committee. The Commissioner may dispose of by sale or exchange any movable property belonging to the Corporation, the value of which does not exceed Rs. 500 in each instance, or grant for any term not exceeding twelve months a lease of any immovable property belonging to the Corporation, provided that the disposal and lease made by the Commissioner is reported to the Standing Committee within fifteen days. With its sanc-

tion, the Commissioner may dispose of by sale or exchange any movable property belonging to the Corporation the value of which does exceed Rs. 5,000 in each instance, or grant any term not exceeding three years' lease of any immovable property belonging to the Corporation. The Commissioner may lend or let out on hire any movable property belonging to the Corporation on such conditions and for such periods as may be specified in regulations made by the Standing Committee in that behalf.

By virtue of its financial administrative powers, the Standing Committee has emerged as a powerful organ in the municipal government of Hyderabad. In practice, however, it has deviated from the normal courses of duties in innumerable cases. For instance, contracts involving an expenditure exceeding Rs. 5,000 and tenders involving an expenditure exceeding Rs. 5,000 require prior approval of the Standing Committee. But the legal provisions do not intend that the Standing Committee *suo moto* can accord administrative approval to works on the proposals of the individual councillors or approve the tenders which are often not the lowest, without recording reasons in writing. Another surprising thing is that the Standing Committee resolved to acquire land belonging to private persons on the letters of individual councillors without getting the views of the Commissioner whether sufficient funds were available or not, whether the estimated cost of the land was correct or not, whether the proposed land to be acquired was suitable for the purpose for which it was going to be acquired. Moreover, it sanctioned funds for the acquisition of land without prior approval of the Council, even though the compensation to be paid was in excess of Rs. 5,000.

#### CHAIRMAN

The Standing Committee appoints one of its members as Chairman who holds office until his successor has been appointed. He is eligible for reappointment. The term of office of the Chairman is one year. The Chairman has to call a special meeting of the Committee within 24 hours upon a written requisition signed by the Commissioner for the transaction of business which in the opinion of the Commissioner cannot be delayed until the next ordinary meeting of the Committee. The Chairman presides at the meetings of the Standing Committee and if he is absent, one of the members present as may be chosen by the meeting becomes the Chairman for the occasion. Every question in the Standing Committee is decided by majority vote and the Chairman has a casting vote.

The Standing Committee is juxtaposed with the Commissioner to effect better integration between the officials and the non-officials involved

in executive administration. Its control over municipal services and its powers of administrative and financial sanction and, above all, its limited size has endowed it with the prestige of a cabinet. It is often described as a municipal cabinet with its members occupying the position of cabinet ministers in the Corporation. But for his short-term and the dominant Commissioner, the Chairman would have enjoyed the prestige of a Municipal Chief Minister.

The fact that he is elected by the majority group indicates that he controls the dominant clique in the Standing Committee. Thus he brings to bear his influence on every major decision in the Standing Committee. His ideas, guidance and timely intervention in deciding controversial matters involving unending debate are his great contributions to the deliberative process of the Committee. The Commissioner gives due importance to suggestions coming from the Chairman. However, there appears to be no worthwhile informal meetings between the Commissioner and the Chairman on various matters pertaining to municipal administration. Such meetings would have resulted in effective liaison between the Standing Committee and the executive wing which is so necessary for the smooth functioning of the Corporation. It is surprising that the Commissioner has not shown the necessary initiative in establishing closer personal contact with the Chairman and this failure is undoubtedly one of the causes for the lack of necessary understanding between the Commissioner and the Standing Committee.

The Chairman plays a significant role in the deliberations of the Council. He almost assumes the role of the Finance Minister on the floor of the Council while presenting the budget proposals and explaining and defending them. Besides, it is the responsibility of the Chairman to defend the decisions of the Standing Committee in the Council. The Chairman answers queries raised by the councillors and explains the issues in the Council meetings. The Chairman would have truly enjoyed the stature of a Chief Minister but for the presence of a more informed Commissioner in the meetings of the Council. In this respect, the Chairman and the Commissioner operate as 'competing coordinators' in the deliberations of the Council.

#### THE STANDING COMMITTEE AND THE COMMISSIONER

The Commissioner as the chief executive officer of the Corporation has very close relationship with the Standing Committee. Almost all administrative decisions and connected actions of the Commissioner require the ratification of the Standing Committee. All emergency actions which are independently taken by the Commissioner due to exigencies of circumstances need to be ratified by the Committee. When

the Commissioner discharges his most legitimate duties by taking disciplinary action against any employee of the Corporation, the Standing Committee claims jurisdiction to examine the issue, so that it appears that the Standing Committee has virtually become the boss of the Commissioner. This, however, does not mean that the Commissioner has no independent jurisdiction of his own. As an appointee of the State Government, and as the custodian of established administrative norms and procedures, he maintains a position of distinct individuality. Equally important is the fact that he gets innumerable opportunities to criticise the Standing Committee in matters of short-circuiting the procedure and possible violation of statutory provisions.

The Standing Committee which is primarily an operationally-oriented body often finds the Commissioner standing in its way. The Commissioner armed as he is with vast administrative experience and disinclined to permit rash decisions is considered as an inhibiting factor in the functioning of the Standing Committee. This sort of attitude is understandable, as the Committee shares the executive authority with the Commissioner. Inevitably, therefore, the relationship between the Commissioner and the Standing Committee is one of the perpetual conflict, and experience has shown that the relationship is far from harmonious. No wonder, the councillors in the Standing Committee steal the slightest opportunity to question and censure the Commissioner on various matters pertaining to city administration. Although the Commissioner while preparing the budget proposals maintains unusual objectivity either in the choice of programmes or budgetary allocations, the Standing Committee has taken upon itself the job of modifying the proposals with rather inadequate justification. The Standing Committee seems to exercise authority more for the sake of it than for the needs of the situation. Sometimes, the increases and decreases in the budgetary allocations are done in a rather casual way by the Standing Committee.

A study of the relationship between the Commissioner and the Standing Committee reveals that the latter makes constant inroads into executive administration nullifying the basic assumption of municipal corporation system about effecting a clear bifurcation of executive and deliberative wings as also insulating executive administration from political interferences. In fact, in the name of closer supervision by a compact body like the Standing Committee, the proponents of the system, contrary to their expectations, have unwittingly created conditions of greater political interferences. Indeed, the existence of a body like the Standing Committee and its suitability in the municipal government deserve careful re-examination. As things stand, the Committee seems to be an anomalous arrangement inasmuch as it makes the Council almost redundant and the Commissioner ineffective.



## THE MUNICIPAL EXAMINER OF ACCOUNTS

The place of the Municipal Examiner of Accounts in the structure of the Corporation is rather peculiar. The Examiner of Accounts, as primarily a pre-audit authority, has been made subordinate to the Standing Committee which is, by the very nature of its functions, deeply involved in programme sanctions, and authorisation of expenditure. The subordination of the Examiner of Accounts to the Standing Committee is largely a product of historical accident. This arrangement has been left undisturbed in spite of repeated protests from the Examiner of Accounts. It defies even elementary sense of rationality to conceive of an arrangement which combines the two agencies with contradictory functions in superior-subordinate relationship. A study of the audit reports together with the innumerable objections of a very substantive nature by the Examiner of Accounts gives a detailed picture of the adverse consequences that emanate from irrational organisational arrangements.

The Examiner of Accounts has been showing, time and again, financial irregularities committed both by the Standing Committee as well as the executive machinery. It is strange that the Examiner of Accounts has to shoulder the responsibility of pointing out irregularities committed by the Standing Committee to which he is very much responsible.

In the Scheme of arrangements obtaining in the Municipal Corporation of Hyderabad, the Municipal Examiner of Accounts can hardly function effectively and with required objectivity. The Examiner receives numerous directions and instructions pertaining to keeping of accounts and conducting of audit both from the Standing Committee and the Council. This arrangement again introduces operational inhibitions in the effective functioning of the Examiner of Accounts. It is, nevertheless, true that the Examiner enjoys certain professional freedom because of the nature of the job he performs. But his objective functioning is virtually nullified by an irrational arrangement in the corporation system which keeps the personnel in his department subordinate to the Standing Committee. If the Examiner of Accounts is still able to function objectively, the credit seems to be entirely his own. There have been persistent demands from the Examiner that he be made responsible functionally to the Council on the analogy of his counterpart at the union level, *i.e.*, the Comptroller and Auditor General, who is answerable to the Parliament.

## CONCLUSION

It is significant that the election to the Standing Committee has been

based on party system and majority decision in the Council. In view of the importance of the Standing Committee, there has been a demand, from time to time, from the opposition members that the elections to the Committee should be based on proportional representation. There are two important arguments in support of the contention that the elections to the Standing Committee should be based on proportional representation. First, the system of election by 'ward' makes it highly desirable that every Councillor ought to be given an opportunity, on a rotation basis, to take part in the decision-making process of the Committee. Scores of complaints have been made, time and again, that the majority party members are snatching away the civic benefits to their wards and localities. If election by ward is essential to facilitate citizen-representative communion, it seems logical that proportional representation should be introduced for elections to the Standing Committee. Secondly, a city like Hyderabad with a high degree of cultural heterogeneity involving different types of minorities should have proportional representation for the Standing Committee which decides most programmes of the Corporation. □

# ROLE OF A MUNICIPAL COMMISSIONER

R.N. CHOPRA

THE COMMISSIONER of a municipal corporation is appointed by the State Government (by the Government of India in the case of Delhi), usually for a term of five years in the first instance, under the statute governing the corporation and the entire executive functioning of the local body is entrusted to him. He not only discharges the duties directly devolving on him under the law, but also carries out the policies and resolutions, enunciated or adopted by the elected corporation and its various committees. For the discharge of these important functions, he prescribes the duties of and exercises supervision and control over the acts and proceedings of all municipal officers and employees (barring a few specified ones like the Chief Auditor and the Municipal Secretary) and, subject to any regulations made in this behalf, he disposes of all questions relating to the service of the said officers and employees, their pay, privileges, allowances and other conditions of service.

The Commissioner being the executive head of the corporation, acts through delegation of authority to the numerous officers subordinate to him and working under his supervision and control. And yet the direct and sometimes constructive responsibility for their acts and the answerability before the elected members of the corporation remains that of the Commissioner. He has to defend himself and his subordinates for acts of omission and commission from the attacks of the Councillors in the meetings of the House or the Committees—no small a task. The functions being so multifarious and the many jobs being so complicated in nature, it is not possible for the Commissioner to give advance instructions to meet all possible local situations and eventualities. The result is that he has to choose his subordinates carefully (as far as it can be) and depend on their experience and judgement. Of course, broad guidelines of policy and instructions may possibly be enunciated in advance to the extent possible, though all situations arising suddenly in a 'ready' democracy of a civic body cannot be anticipated.

In the case of corporations, the Commissioner is at one end of the balance, representing the executive wing and the elected members are on the other, representing the deliberative wing. Unless the two act in unison and with mutual understanding, the progress of work is retarded and the health of the civic body suffers. The policy-making functions

being that of the deliberative wing and the execution of policy in the field being the responsibility of the Commissioner—a Commissioner who is appointed by the Government and is removable by a 3/5 or 2/3 majority vote of the elected members—it is not difficult to visualise the day-to-day difficulties in the actual working of the two wings of the corporation. More about these difficulties a little later.

Municipal corporations have been set up in the larger cities of India, the earliest of them over seventy years ago. They enjoy a high degree of autonomy. A special feature of their organisation is the *separation of the executive from the deliberative or policy-making functions*. This distinction owes its origin to the ideas of Sir Pherozshah Mehta who is regarded as the father of the city government of Bombay. When a law was under consideration in the late 19th century for the municipal government of Bombay, he said:

The Municipal Council is not to administer and govern for which it is radically unfit but has to fulfil its proper functions to watch and control the executive Government, to throw the light of publicity on all its acts, to compel a full exposition, and justification of all of them; and if the men who compose the executive abuse their trust or fulfil it in a manner which conflicts with the deliberate sense of the people, to expel them from office.

The vesting of executive authority in a Municipal Council, in his opinion:—

would have been to substitute in the place of the responsible executive officer a heterogeneous body of men equally powerful, men incapable and difficult of being controlled and with their responsibility so attenuated by division and sub-division, as to render them practically and really entirely irresponsible. It would be a retrogressive step, plunging the municipality into a gulf of mismanagement, inefficiency and jobbery such as the wildest rumours have not dreamt of . . . The only safe and efficient way of disposing of the executive authority is to vest it in a single responsible officer controlled by a representative assembly. Town Councils with executive powers would only prove centres of inefficiency and jobbery. [*The Bombay Municipal Reform Question 1871 (Pamphlet)*].

Thus, a little less than century ago the idea was conceived that the responsibility for executive functions of a municipal body should be separated from that for the deliberative or policy making functions. It was a queer idea, indeed, when viewed in the light of the fact that the deliberative body virtually controls the power of appointment, promotion

and disciplinary action in the case of schedule one officers of the corporation and that power is given to it by statute. How can one visualise that the executive head, *viz.*, the Commissioner, can discharge his executive functions adequately and satisfactorily, if the control over his gazetted staff is exercised by some other body—in this case the corporation? How can the Commissioner deliver the goods, as it were, if the vital portion of his administrative machinery is not within his direct grip or his heads of departments do not look up to him but somewhere else? This dichotomy between the place of authority and the place of responsibility makes the job of the Commissioner very difficult, if not impossible. In this situation, if he has to land somewhere effectively or produce tangible results on the ground, he must be very tactful, compromising, firm, neutral, industrious, popular and patient, clever, and “thick-skinned”—and to top it all, he has to develop the patient knack to bear with fortitude, the slings and arrows, jibes and criticisms of many outrageous councillors, on the floor of the House or in the Committee meetings, for no fault or provocation. Where does such a Commissioner with all the hundred and one virtues thrown in, descend from? In short, the Commissioner has to be just lucky to be successful and effective during his tenure of office. This contradiction needs to be removed as soon as possible because, in actual fact, an ineffective Commissioner—however clever and intelligent he may be—and an irresponsible deliberative wing of the corporation have gone on side by side for far too long a period—much to the detriment of the citizens’ welfare in the local body. The authority and responsibility must be made to vest in one and the same place—whether in the Commissioner or in the Corporation through the ‘Mayor-in-Council’ device or a Cabinet form of structure. A choice must be made if the present drift and wasteful activity in the corporations is to be obviated.

The above generalisation apart, the Commissioner is the pivot of the Corporation’s activity even in the existing incongruous system. No doubt, he works through delegations of authority to his subordinates, but he can directly influence not only the implementation of policy, but also its formulation at appropriate stages. In order to minimise his difficulties in the day-to-day working—many of them arising out of the Councillor’s ‘interference’ with the lower field staff, their efforts at brow-beating them into taking unjust and wrong decisions—he has to have a broad understanding of approach and objectives of the leaders of the ruling party as well as the opposition in the elected Council. Tremendous tact and patience would be required on the part of the Commissioner to convince both the sides of his *bona fides* if the work is not allowed to deteriorate or suffer. The difficulty would sometimes arise if the councillors do not listen to their own leaders and the understanding of the Commissioner with the latter is ignored by them, for the sake

of their own selfish motives.

As mentioned above, the Commissioner holds a tremendously big charge and has to perform multifarious duties. He has not only to carry out the many resolutions passed by the Corporation and its statutory Committees but also to help the deliberative wing in chalking out new policies and formulating new programmes. Needless to say that success in the execution of these programmes depends not only on the availability of finances but also on the efficiency and discipline of its numerous staff cadres. The finances do not necessarily become available after the Corporation has passed the budget and determined the taxation rates. Finances become available only when the field staff, properly controlled and directed from the top, has been able to collect the taxes, fees and cesses adequately and in keeping with the budgetary estimates. This, however, is easier said than achieved. The income estimates framed by the Commissioner are usually ignored by the deliberative wing before passing the budget. Added to this is the difficulty that the staff of the civic body is usually not very efficient, honest or hardworking. A sense of discipline is utterly lacking among them. This state of affairs raises a major difficulty which the Commissioner has to face. He has not only to try hard to dissuade the Corporation from adopting unrealistic income estimates (especially when there is aversion to levy new taxes for political reasons) but also to create an atmosphere of discipline, purposeful activity and conscientious hard work among the corporation employees. In a corporation of a big city like Delhi or Bombay, it is the 'ethos' of its administrative machine which would really matter in the end and tend to produce practical results in the field. If the Commissioner succeeds in bringing into existence a satisfactory 'ethos', a major portion of the battle is won. The task is very uphill, even tantamount to going up the greasy pole.

The administration in all civic bodies—and the corporations are no exception—is usually carried out in a routine and lethargic fashion. The daily chores in the field are performed in a slipshod way and the members of the staff usually do not display a sense of pride or responsibility in the performance of their duties for which the corporation pays them. The average employee is usually happy if he can 'satisfy' a few councillors who will, as a *quid pro quo*, protect him if any harm comes to him in his official career. This sort of an atmosphere makes the job of a well-meaning and conscientious Commissioner almost impossible. If the Commissioner is to be responsible for the executive functions of the Corporation, he naturally cannot allow his subordinates to direct their loyalties towards members of the political wing and ignore the directions given or the administrative correctives applied to him by the supervisory staff. And yet, this is precisely the situation which the Commissioner has to cope with. Instances have been known where a

very strong Commissioner was able to bring about some sort of a sense of discipline among the lower categories of the staff but in some of the higher rungs of the administration, he could not enforce the same amount of discipline and sense of loyalty merely because the deliberative wing was not prepared, for political reasons, to suspend a particular officer who had been charged for corrupt practices on many counts.

All the same, in the type of situation mentioned above, there are some redeeming features. The highest authority for writing the annual confidential reports of the Corporation staff is the Commissioner himself and no member of the deliberative wing is allowed to make any entries therein. Of course, the councillors are given to saying what they like on the floor of the House, whether in favour of or against a particular member of the staff. But these remarks cannot find a place in the character roll itself unless the supervisory officers are themselves of the same view or have been influenced by these remarks. The work and conduct of the Commissioner himself is judged by the Government and not by the Corporation, that is, insofar as the character roll entries are concerned. In day-to-day working, of course, the Commissioner is subjected to adverse criticism by the councillors, by and large, he is lucky if he is ever able to extract some praise from them. The Commissioner learns to live with that also by developing a hard skin. Of course, he cannot forget that he is removable by a 3/5 majority vote of the councillors.

As already remarked, the Commissioner has to function on the basis of delegation of authority to his subordinates at many levels. He, of course, keeps the powers of direction and supervisory control in his own hands. In order to be effective, he must be able to keep a regular watch on what is being done in the field in the name of the Commissioner for which the latter is answerable to the Corporation. This sort of indirect control is possible by a proper organisation, staff meetings, reports and returns and personal inspections in the field. There are hundred and one things which the Commissioner has to do in the course of a day starting from keeping an eye on the collection of revenues, proper sanitation of the city, satisfactory functioning of the corporation schools, an adequate and well distributed system of water supply and sewage disposal, implementation of the programmes of slum clearance, road construction and housing, the running of big size hospitals as well as widely spread out dispensaries and inspection of many similar institutions of the corporation. However earnest the Commissioner may be, he will never find the time readily available to look after so many things. This lack of time for field inspections becomes all the more accentuated when the deliberative wing usually arranges too many meetings of the Corporation or of the Committees at which the presence of the Commissioner and his senior officers is necessary. It is axiomatic to say that the amount of business

transacted at these meetings is not at all commensurate with the time spent thereon and the meetings are usually converted into a political arena by the political parties, and in the process subjecting the administration to an unhealthy 'flash light' of publicity and criticism, which is not very conducive to its satisfactory performance and functioning in the field. It is natural that if the time of the senior officers is spent in attending such meetings, the lower field staff, usually lethargic, inefficient and corrupt, would have things its own way without much anxiety or fear of being taken to task for bad performance.

The manner, in which the business of the corporation is usually transacted, will be clear from the following extract from a letter written by a Commissioner to the Government some time back;

And lastly—which is not least—the manner in which the deliberative business of the corporation is transacted, day in and day out, is nothing much to be proud of. I need not dwell on it for long since daily newspapers are full of this performance which makes almost an ignoble reading. Normally discussions over civic matters should not generate all that heat or political controversy, but here not a meeting passes when demonstrative tantrums are not indulged in, for political effect. You are no doubt aware of what goes in the meetings and how good money of the taxpayer is wasted in fruitless unscheduled discussions. All this display of histrionic talent and wastefulness has its direct effect on the executive functioning of the corporation machine. No administration can stand the strain of a regular, daily 'flash light' of scrutiny and so-called watchfulness at the political level—flash light the object which is destructive, intended only to pin-point the weak spots, ignoring the little or whatever good work may be in the process of being done. Not only that: the Councillors have their own ways of influencing, interfering and browbeating the executive machine in the day-to-day affairs which are very difficult, almost impossible, to counter. They call the staff to their residences, give them directions on the inspection rounds of the constituencies, attend zonal and departmental officers to throw their weight about, sometimes for good but generally for bad. And the staff, even if it be well-meaning, honest and helpful, has to listen, for fear of insult and humiliation in the shape of uninformed, destructive and quite often irresponsible open criticism. This, perhaps, is the price of democracy which this young nation must learn to pay.

However that be—and the price of democracy has to be paid in one shape or another in the formative years of our country's history, which



has chosen to follow the path of consent, consensus or majority vote plus full freedom of expression—the role of the Commissioner is vitally important in the civic body and a good deal of its progress and potential for doing good for the citizens depends on his zeal, industry and forbearance. The role is harsh, the work heavy and the pressures on him tremendous and yet if he can survive and do good work to make the city life clean and liveable, he has performed a great task, of which he can justly feel proud. ☐

# CALCUTTA'S MUNICIPAL ACTS AND THE COMMISSIONER

SIVAPRASAD SAMADDAR

**D**R. BIDHAN CHANDRA ROY, before he became the Chief Minister of West Bengal, had tried his hand in the Corporation of Calcutta. He had been elected its Alderman on three occasions (1930, 1938 and 1941) and its Mayor twice (1931 and 1932). A physician by profession whose mastery of diagnosis ran into legend, he was well aware of the civic body's ailments and the line of therapy. He became the Chief Minister on January 23, 1948 and on March 24, 1948 he superseded the Corporation, *i.e.*, had its control taken over by the Government. It was on the ground of maladministration.

## FIRST SUPERSESSION AND THE 1951 ACT

Dr. Roy was working against a tight time schedule. In order to bring back the councillors to a rejuvenated body, he set up a Commission of Inquiry under the chairmanship of Justice C.C. Biswas to find out how this could be done administratively and financially. The Commission felt that the Municipal Act of 1923 which Sir Surendra Nath Banerjea had framed with high hopes of democracy and service to the citizens got subverted by the councillors who reduced the corporation executive to a position of 'abject dependence' on them, rendering him absolutely powerless and furthered their party ends or personal interests.

The Biswas Commission recommended the widening of franchise and separation between the legislative and the executive functions of the Corporation. Pursuant to this, the Calcutta Municipal Act of 1951 was passed. On March 5, 1951, while moving the 1951 Bill in the West Bengal Assembly, Dr. B.C. Roy had observed: "... at the present moment, the Corporation is one single unit. In the new Act, it is provided that there shall be three municipal authorities: the Corporation, as at present and as provided in the 1923 Act; a Commissioner, appointed by the government, and statutory committees ..."

Dr. B.C. Roy had further observed that "... as I indicated just now, there would be a Commissioner who would be appointed by the Government. The powers and functions of the Commissioner have been defined in the new draft Bill; he would be a person who would not be subject to

any influence from the body of the Corporation. He would of course act under the general directions of the Corporation, given to him from time to time, but he will have as in the case of Bombay and Madras, a position which is above all influence by the Corporation."

#### SECOND SUPERSESSION AND THE 1980 BILL

On May 1, 1952 the new statute was given effect to and a new system of municipal executive was introduced. Twenty years later, on March 22, 1972, the State Government again superseded the Corporation, disbanding the elected body and taking its charge by appointing an Administrator. This was on five counts of 'incompetency' and four of 'defaults' and through the hand of another Chief Minister, Siddharatha Sankar Ray. He had, however, taken over as the Chief Minister only two days ago. Another dissimilarity is in the fact that the West Bengal Government neither instituted any probe into the Corporation's failings this time nor worked towards the restoration of the elective system. In fact, the only time some thought was given to reshaping the Corporation was in the middle of 1976 by a reference to the State Planning Board as to how it could be strengthened for urgent civic services like road repairs and garbage removal. The State Planning Board was working towards the formation of a body like the Calcutta Corporation Authority which could be appointed by the Government to comprise of professional people and managerial experts having been linked to the citizens by numerous local committees on elective basis. The final report did not see the light of the day till the Congress Government was ousted in April, 1977.

The Left Front Government came in saddle by the middle of 1977 and the supersession of the Corporation continued. It is, however, left to Prasanta Kumar Sur, the new Minister of Local Government and Urban Development, to introduce in April 1980 a new bill on the civic governance of Calcutta—the Calcutta Municipal Corporation Bill. History appears at times to repeat itself, for Prasanta Sur is himself a product of the Calcutta Corporation, having been a councillor under Dr. Roy's Act since the mid-fifties, and having been elected the Mayor of Calcutta twice (1969 and 1970).

This is how Prasanta Sur looked into the compulsion and time schedule for the new legislation early in 1978:

When the Left Front Ministry came to power we took an oath to place the charge of the Corporation as well as other superseded municipalities at the hands of elected bodies, irrespective of their political affinity. But before the elections are held we have to do some homework. Both the C.M. Act 1951 and the Bengal

Municipal Act require to be fundamentally amended . . .

We hoped to hold the Corporation elections in the winter of 1977. But it came to light that many names were omitted from the electoral roll for the last Lok Sabha and Assembly elections. It is the responsibility of the Election Commissioner to make good the deficiency. We are trying to expedite the matter by all means, but there are many formalities to be observed. Our present intention is to hold elections to the Corporation, after the amendment of the Act, by the middle of 1978.<sup>1</sup>

#### EARLIER CORPORATIONS: NOMINATED V/S. ELECTED

This bill is the sixth in the succession of the Act for the representative municipal government of Calcutta. We have already narrated the birth of its immediate predecessor and mentioned the one which it supplanted, *viz*, the 1923 Act. The earlier three were the Acts of 1863, 1876 and 1899. The Act of 1863 was introduced by the Lt. Governor of Bengal, Sir Ashley Eden, with the objective of entrusting intelligent gentlemen chosen from among the rate-payers with a very considerable control over the municipal government of the town, and at the same time providing that the work of the municipality would not be liable to interruption or delay from any omission on their part to attend to their duties. The general control of municipal expenditure was thus vested in a large body of councillors drawn from the Justices of the Peace for Bengal, Bihar, and Orissa who might be resident of Calcutta along with the Justices of the Peace for the town. The execution in detail of all sanctioned works, on the other hand, was entrusted to a well-paid wholetime officer, who was the Government-appointed Chairman. This municipal body which swung into strenuous activity in drainage and water supply, roads and footpaths, municipal markets and slaughter-houses, etc., could, therefore, be called a Corporation of Justices whose guiding and motive force was a powerful executive.

The next Act of 1876 saw the introduction of the elective principle. Under this two-thirds of the 72 commissioners (*i.e.*, 48 corporators) were elected by the rate-payers and the balance 24 appointed by the government. The appointment of the Chairman who could hold the office of the Commissioner of Police, the Vice Chairman and other officers, as well as the appointment of Committees were governed by provisions similar to those in the Act of 1863. The new body did a lot of improvement to the town, completing underground drainage, increasing the supply of filtered and unfiltered water, and opening of Harrison (now

<sup>1</sup>Sivaprasad Samaddar, *Calcutta Is*, The Corporation of Calcutta, 1978 (See Preface to the book).

Mahatma Gandhi) Road to connect the railway systems at Howrah and Sealdah.

The next change in the municipal administration of Calcutta came under the Lt. Governor, Sir Alexander Mackenzie in 1899. Administration vested in the hands of three coordinate authorities—the Corporation, the General Committee and the government appointed Chairman, belonging to the Indian Civil Service. Of the 50 Commissioners, only half were elected, and the other half being appointed by Government, from commerce and trades bodies and the Port Commissioners. The entire executive power vested in the Chairman. These measures were in reality a retrogression. As a mark of protest, 28 Indian Commissioners, including Surendra Nath Banerjea and Bhupendra Nath Basu resigned simultaneously.

#### SIR SURENDRA NATH AND THE 1923 ACT

The Mackenzie Act was replaced in 1923 by Sir Surendra Nath who had, a quarter century ago, resigned in protest against the extant Act and who had now the mantle of minister for Local Self-Government. This Act democratised the constitution of the civic body and enlarged its powers. It had 90 elected councillors and five aldermen who were indirectly elected. The body elected the Mayor and the Deputy Mayor annually. Executive powers were vested in a Chief Executive Officer (CEO). As all powers were transferred to the elected body, as a veteran like Deshbandhu Chitta Ranjan Das became the first Mayor and as a fiery youth like Subhas Chandra Bose became the first CEO, the Corporation underwent a completely radical change.

The 1923 Act was inspired by the philosophy of Surendra Nath Banerjea who time and again reiterated that: "Municipal instructions are the germs of all political instructions. Municipal life is the basis of public life. Municipal Self-Government precedes National Self-Government." Accordingly, while moving the Calcutta Municipal Bill in the Legislative Council, in 1921, Surendra Nath had said: "... Ever since 1899, I have lived in the hope of witnessing the rebirth of my native city—robed in the mantle of freedom." Surendra Nath had modelled the 1923 Act after the British laws for local government, and in relation to its internal structure had said: "... There is no principle to which the general public and the framers of the Bill attached greater importance than the total separation of what I may call the legislative and executive functions in the administration of the Corporation."

Although CEO was not exactly in the robe of Commissioner, Subhas Chandra was also no usual executive. He was in the post of CEO technically for three years from May 17, 1924, but physically on the chair till December 15, 1924 when he was deported to Burma

on a charge of sedition. This cut short an administrative career in the municipal field potent with possibilities and promising of determined action. He came back to the Corporation, but at the higher functional level of Mayor. That was again for a brief period, from August 22, 1930 to April 15, 1931.

In the hands of Dr. Roy the role of the chief executive was given a statutory and stronger position. Deliberately he got it modelled after the American City Manager where the Commissioner can pursue certain objectives and take measures vigorously and promptly within his own bounds. The entire executive power for carrying out the provisions of the Act of 1951 vests in the Commissioner. His budget does not require any superior authorisation before being presented to the Corporation through the Finance Committee. He is the sole authority for appointments, disciplinary action, contracting and a host of executive functions within the area carved out for him by the statute.

#### PROFILE OF A COMMISSIONER AND THE PROCESSION

In actual practice, the Commissioner was far from acquiring such a formidable character. With the new statute came the Commissioner, Binay Kumar Sen. In the thirties he made his debut in civic services—not in this country, but in England where he had gone for higher education. He joined the Manchester Municipal Corporation as an assistant and earned encomium from the Lord Mayor in such words: “the administration of local governments where his knowledge and training can be put to the greatest use”. In 1938, he came to India for a suitable job and, not finding any returned with a letter of introduction from Subhas Bose in which he asked C.R. Attlee, the British Labour Leader to help Binay Sen in a specialised training in civic affairs. Starry-eyed in Arcadia, Sen shot off letters like this to the Calcutta Municipal Gazette: “The country must be in a position to increase her resources and soon our peculiar Mother India will be in no way different from Uncle Sam or John Bull or any other country where, every citizen is at least sure of a square meal.”<sup>2</sup>

Shortly after Sen returned to the country and went back to his basic discipline of chartered accountancy in a multi-national company. While at Bangkok in 1952 he answered an advertisement for the post of Commissioner in the new Corporation and got back to his old love. Although, in the number of years and months, Sen's was a long wicket in the Corporation from May 1, 1952 to May 1, 1959, his trouble started from 1957. With his penchant for reaching out to the people through press, citizens' forum, students' meet and a highly innovative practice

<sup>2</sup>*The Calcutta Municipal Gazette*, June 5, 1940.

called Commissioner's corner, Sen really made the city feel that there was a civic enthusiast who meant business. These are the words in which he described his objective and methodology: "... in order to supplement the efforts of our city fathers ... I and my senior officers should go out on organised joint inspection and meet people informally in some corner of the street close to their residence and listen to all about their grievances. My object ... was primarily to see things personally on the spot whenever possible, if not, immediately on coming back to take up such complaints as should receive top priority and ... speedy action".

The man who reaches out far or knows too much may, however, be inconvenient, if not dangerous. Although, according to the law, Commissioner had a corner to himself, the City Fathers were wont to breathe down the neck of the executive and, in fact, the fewer such functionaries the easier would be such vicarious exercise of power and patronage. Sen was thrown into civil and criminal litigations involving moral turpitude and was to be thrown out by the vote of councillors in 1957 itself. He fought this onslaught as well as the legal battle and quit the Corporation two years later only when he won the case. He went back to his earlier profession and started practising as a chartered accountant.

After this the Calcutta Corporation saw a procession of Commissioners (10 to be precise, leaving aside those holding charge on stopgap arrangement, till I joined as Commissioner in December, 1973) mostly drawn from the Writer's Buildings (seven out of 10), their average stay being 15 months. The Commissioner, although clothed in statutory powers and armed with administrative and financial powers is a lone man in the power politics of the municipal body and has willy nilly to operate in the milieu that the councillors provide. It is in a sense even more convenient for the operators and extractors of the municipal system that powers and functions are concentrated in one hand. Then the councillors or for that matter the trade unions have to operate on an individual to get things in their own way. A non-executive of titular Mayor who is not even the boss of the Commissioner, in the sense we know in government or business hierarchy, was a deadly combination.

This interlude in our narration has been brought in not merely to provide a human element to our story, but also to indicate the hiatus between theory and practice and to highlight the fact that a single paid individual cannot act as a dyke if inundation is caused by all around including the councillors and trade unionists for whom the *raison d'être* is supposed to be popular will.

## THE MAYOR AND COUNCILLORS IN THE 1980 ACT

Let us now take a close look into the municipal Commissioner's role under the Mayor-in-Council in the Calcutta Municipal Corporation Act 1980. To understand the needs and compulsions of the new Act, let us follow in the first instance what its author has to say. Tracing the history leading up to the enactment of the five earlier Acts, Prasanta Sur said, on April 29, 1980, in the West Bengal Assembly that: "... Each Act in its own times has aimed to be an engine of change—to respond to the compulsions for reform as seen by the then Governments and to rise up to the aspirations of the citizens who, due to the very nature of municipal government, are at once the voters and the clientele as well as the beneficiaries of the services it provides."

In relation to the 1899 Act, Sur had noted: "... attacking the Corporation on the pretext of corruption, the then British rulers wanted an ICS model of local government wherein the municipal Commissioners would be hand-picked to reflect their own notions of the required representation of interests in the municipal government."

Spanning 81 years and during the eighth consecutive year of the second supersession of the Corporation, Prasanta Sur, diagnosed that the Corporation's continued ills with a Commissioner at the helm of its affairs thus: "... Corruption and maladministration, in my opinion, are the external symptoms, only of a deep rooted malady which I would like to characterise as lack of local government which is responsive and responsible to the people at large." He also said: "... The first requirement in a democratic society is that Government, whether central or local, should be accountable to the electorate. How a local government which exists on name only and whose major powers and functions are statutorily assigned to a non elected individual, no matter how dedicated he may be, can pass such an acid test of accountability?"

The die-hard, thus, been cast for one of the most fundamental changes in the structure of the new Act which in the words of its author was: "to designate the elective representatives of the people as the Municipal authorities for the municipal government of Calcutta and to vest the executive power in a political executive which is also accountable to the electorate." Thus, sec. 6 of the Calcutta Municipal Act, 1951 which listed the Municipal authorities to be: the Corporation, the Standing Committees and the Commissioner was to make way for sec. 3 of the 1980 Act which listed such authorities to be: The Corporation, the Mayor-in-Council and the Mayor.

Consequently, in contrast to sec. 28 of the 1951 Act which said that "... the entire executive power for the purpose of carrying out the provisions of this Act shall be vested in the 'Commissioner', sec. 33(1) of the 1980 Act stipulated that "subject to the provisions of this



Act and the rules and regulations made thereunder, the executive power of the Corporation shall be exercised by the Mayor-in-Council". Thus the executive power will entirely pass on the Corporation.

#### COMMISSIONER—EXECUTIVE, FINANCIAL AND COORDINATIVE

Sec. 39 of the new Act, however, has provided that subject to the supervision and control of the Mayor, the Municipal Commissioner shall be the principal executive officer of the Corporation and shall:

- (a) exercise the powers and perform the functions specifically conferred or imposed upon him by or under this Act or by any other law in force for the time being; and
- (b) assign the duties and supervise and control the acts and proceedings of all officers and employees of the Corporation.

Sub-section (2) of sec. 39 makes it explicit that "all officers and employees of the Corporation shall be subordinate to the Municipal Commissioner." In this respect, the framers of the 1980 Act have made a distinction *vis-a-vis* the Bombay Municipal Corporation Act which provides that the Municipal Commissioner would exercise supervision and control over the acts and the proceedings of municipal officers and employees other than the Municipal Secretary and the Municipal Chief Auditor.

In the new Calcutta Act, while designating the Municipal Secretary to be the Secretary to the Corporation and making him the custodian of all papers and documents connected with the proceedings of the Corporation and the Municipal Accounts Committee, it has been provided that the Municipal Secretary also would function under the supervision and control of the Municipal Commissioner. Although, no specific provision has been made to this effect, from the overall scheme of things in the new Act, it is obvious that the Municipal Commissioner would serve as the Secretary to the Mayor-in-Council—thus combining the Chief Secretary's and Cabinet Secretary's roles into one.

The Government's determination to ensure that local democracy gains greater strength in the future is reflected in the provisions for the appointment and removal of the Municipal Commissioner too. Thus, as against sec. 19 of 1951 Act which empowered State Government to appoint the Commissioner, the 1980 Act, in sec. 14, makes three significant variations:

1. that the State Government shall appoint the Municipal Commissioner from amongst persons who are or have been in the service of Government in consultation with the Mayor-in-Council;

2. that the Mayor-in-Council, itself, if so directed by the State Government, may appoint the Municipal Commissioner in consultation with the State Public Service Commission; and
3. that the Mayor-in Council may, with the prior approval of the State Government, appoint a Municipal Commissioner from amongst officers who are or have been in the service of the Corporation.

Regarding the question of the removal of a Municipal Commissioner, whereas sec. 19(3) of the 1951 Act provided that "... the State Government . . . shall do so if, at a special meeting of the Corporation called for the purpose, a resolution for the termination of the appointment as Commissioner or removal of the Commissioner, as the case may be, in favour of which not less than three fifths of the total number of members of the Corporation give their votes, is carried", sec. 14(5) of the 1980 Act provides that "... Provided that in the case of any such officer (which includes the Municipal Commissioner) if, the Mayor-in-Council so decides, the State Government shall terminate the appointment of such officer".

Another major reform concerns the financial powers of the Municipal Commissioner. Under the 1951 Act, sec. 108 had provided that "the Commissioner may sanction any estimate the amount of which does not exceed twenty-five thousand rupees: provided that where the estimate exceeds five thousand rupees, the Commissioner shall consult the Finance Officer and Chief Accountant out before he sanctions the estimate. Sec. 44 of the new Act makes the Municipal Commissioner a sanctioning authority "if the amount does not exceed five lakhs of rupees".

Among the other new features in the 1980 Act, some deal with the erstwhile problems of coordination between various agencies involved in urban development work in Calcutta. The Municipal Streets Technical Committee and the Municipal Building Committee which involve, besides others, representatives of the Calcutta Metropolitan Development Authority (CMDA), Calcutta Police, Fire Services, etc., would be chaired by the Municipal Commissioner, as per the provisions of sec. 345 and 391.

#### PROGRAMME AND PROSPECTS FOR CHANGE

These then are the highlights of the various provisions of the Calcutta Municipal Corporation Act 1980 insofar as the Municipal Commissioner is concerned.

Although in our narration we took into account the five past Acts and the present Act, the Calcutta Corporation was there in a nuclear form

before the sacking of Delhi by Nadir Shah and the third battle of Panipat. The first municipal administration consisting of a Mayor and nine Aldermen was established in 1727, about 30 years after Job Charnock had set foot here. This makes it easily the oldest municipal organisation in India. This was followed by a series of administrative measures like the Statute of 1794 when Justices of the Peace for the Town were appointed for civic matters. This was followed closely by the Lottery Committee for public and developmental works and then in 1847 the formation of an elective Board of Seven. In these measures followed by the twists and turns of the Municipal Acts an undercurrent was the balance to be struck between the deliberative and the executive sides of the municipal governance.

Let us nevertheless appreciate that an organisation like the Calcutta Corporation could not possibly have withstood the ravages of time over 250 years, if it did not have some essential vitality. This was and is the compulsion that the city of Calcutta refused yesterday and refuses today to die. Any programme to change should, therefore, have as its first task a rediscovery of this vitality for the Corporation in its inner working.

However, the older the organisation got, the deeper became the overlay of traditions, values and systems of work. Yesterday's arguments became the handy tools to meet today's problems. Further, Calcutta underwent the ebbs and tides of fortune which is the stuff of history. A peculiar type of environment—political and social—also gave Calcutta its peculiar set of problems. All these helped to give the Corporation its special mould.

The factors deadlocking action are obviously many, which only a deep understanding of the socio-political, psychological and anthropological nature will unearth. These must cover its environment, power structure, institutions, perceptions, attitudes, work systems, etc. It ought to be mentioned that there have been many attempts made in the past to study, by various earnest individuals and bodies, but these have been mostly done in the physical areas.

These apart, attempts to vitalise have taken other forms as well. New organisations have been set up (CMDA), arms have been flexed (supersession of the Corporation and the historical lockout of 1974), one efficient senior officer after another have been brought in and this system or that altered. None of these has apparently made an appreciable dent in the situation. Essentially, therefore, the Corporation has to get down to a systematic and massive change in its programme and settle strategic objectives in order of priority.

Any programme of change which is proposed should be on the inner working of the Corporation in values, management system, etc. We feel that a large section of the Corporation is ready for such changes and would benefit from a programme if imaginatively set and sincerely worked out. □

# A CASE FOR POLITICAL EXECUTIVE IN MUNICIPAL GOVERNMENT IN INDIA

RAMASHRAYA SINHA

THE MUNICIPAL corporation is the traditional governmental organisation for the city. But there are various forms of municipal corporation existing all over the world. What is common in all forms is the existence of an elected council which exercises deliberative jurisdiction. They differ a great deal in regard to nature and function of the executive which plays a vital role in the day-to-day municipal management. As such, for an average man the municipal executive is the real city government and all eyes remain focused on him. In fact the nature of the municipal executive has become a test for the representative character of the municipal institution.<sup>1</sup>

## II

In India the form of municipal management prevalent in small towns, where municipalities are at work, resembles with slight variations, the English pattern under which no separation between the deliberative and executive functions has been effected.<sup>2</sup> But in the big and capital cities the model in vogue is different. In such cities there are municipal corporations wherein the deliberative and executive functions have been statutorily separated and the municipal executive, the commonly known as the commissioner, has been made responsible, subject to prescribed checks for carrying out the day-to-day municipal administration.<sup>3</sup> In such a model the executive is an appointee of the government and a salaried official. Three coordinate authorities—the corporation, the standing committee and the commissioner, who is the chief executive—are the main organs of the municipal structure.

<sup>1</sup>See W.A. Robson, (ed.), *Great Cities of the World*, London, George Allen & Unwin, 1957, pp. 34-39.

<sup>2</sup>Recently, however, in some of the municipalities there has been made provision for the post of an executive officer who belongs to the government cadre. But this is not based on the bifurcation of the deliberative and executive functions.

<sup>3</sup>See Mohit Bhattacharya, "Structure of Urban Local Government in India", *Journal of Administration Overseas*, Vol. 7, No. 2, London, April 1968, pp. 351-357. See also Harold F. Alderfer, *Local Government in Developing Countries*, New York, McGraw-Hill Book Company, 1964, p. 263.

But such a model of municipal management, which is basic to all municipal corporations in India, and which was for the first time created in Bombay in 1888, lacks a political executive. There has been no basic or significant change in this model since then.<sup>4</sup> The corporation being the deliberative council, is collectively responsible for the exercise of legislative powers and consists of the elected representatives and a few *ex officio* and nominated members and its number varies according to the population of a corporation. Though there is a mayor, elected annually, he is simply a ceremonial head and his main job is to preside over the meetings of the corporation. He does not possess any executive or administrative authority. The standing committee functions as an auxiliary to the corporation and all matters to be decided by the corporation pass through it and it makes recommendations to the corporation chiefly on the basis of the proposals and recommendations of the commissioner. The commissioner who is more or less independent of the representative body, is the principal executive and has been entrusted with the task of the execution of policies and is also close to the point of policy-decision.

### III

This model of municipal management has been viewed advantageous by some, for according to them, in this administration is relatively freed from the political interference and objectivity is maintained in the implementation of policies and actions are also taken with greater speed. This model was also advocated by the LSG Ministers' Conference of 1954 for the structures of local bodies in general on the ground of its being based on the principle of the separation between the deliberative and the executive functions. Recently this model has also been advocated by the Rural-Urban Relationship Committee for big cities with a population of two lakhs or more.<sup>5</sup>

### IV

But the advocates of this model overlook three basic facts, *viz.*: (i) the present model lacks a political executive, (ii) its present chief executive who is a salaried official is an encroachment upon demo-

<sup>4</sup>The tradition of appointment of the chief executive by the government was once broken in the Calcutta Corporation in 1923 when the chief executive officer was made an appointee of the corporation. But again under the Act of 1951 the old tradition was restored. For details see Ali Ashraf, *The City Government of Calcutta: A Study of Inertia*, Bombay, Asia Publishing House, 1966, p. 37.

<sup>5</sup>Government of India, Ministry of Health and Family Planning, *Report of Rural-Urban Relationship Committee*, Vol. I, New Delhi, 1966, p. 68.

cratic principles and, (iii) it is a source of conflict between the deliberative and the executive wings. This is so because the formal as well as actual power of appointment and removal of the chief executive is vested in the Government. Though the commissioner is an important limb of the municipal corporation, he, instead of functioning under the control of the representative organs of the municipal corporation, functions under the control of the Government. None of the representative bodies possesses any substantial authority over him and as such he is not under its effective control. Though the mayor is formally consulted by the Government while appointing the commissioner, the advice of the mayor is not mandatory. When two different political parties or groups govern at the two levels, *i.e.*, the State and the Corporation, the value and weight of the mayor's opinion in the commissioner's appointment is reduced still further, and under such a situation a conflict between the commissioner and the deliberative organ usually occurs as it happened in Patna in 1967 leading to the supersession of the Corporation and as it is happening in Delhi Municipal Corporation at present (1975) where the Jan Sangh is the majority party and the commissioner is an appointee of the Central Government of the Congress Party.

In respect of the removal of the Commissioner the same position exists as none of the representative bodies of the municipal corporation is at all effective. The commissioner, under the existing provision of the Act, is to be removed by the Government if the Government is so satisfied on a resolution of the Corporation or otherwise, that he is incapable of performing the duties of the office or that he has been guilty of any misconduct or neglect of duty. Though the representative body is formally empowered to pass a resolution for his removal in case it wants to do so, such a resolution is not mandatory at all in the majority of the municipal corporations. It all depends upon the discretion of the Government to give effect to such a resolution. In the Patna Municipal Corporation, in July 1967, the Chief Executive Officer was appointed by the State Government ignoring the opinion and advice of the then Mayor and none of the representative organs could forbid him from joining the post in spite of its will to do so. The non-mandatory nature of the resolution for his removal also became obvious in Patna when such a resolution, passed by the prescribed majority of the Corporation, was not given effect to by the Government and instead of removing him the Government superseded the Corporation itself. Then, while the Congress Party was in a dominant position in the Municipal Corporation, the United Front Government consisting of the Bhartiya Kranti Dal, the Sanyukta Socialist Party, the Praja Socialist Party, the Communist Party of India and the Jan Sangh was in power at the state level; and while the Mayor was of the Congress Party and a member of the Legislative

Council, the Minister for Local Self-Government was of the Sanyukta Socialist Party.

In a few of the municipal corporations such as those of Bombay and Calcutta, however, where the removal clause under the Acts uses the word "shall" instead of "may", it is construed that the resolution for the removal of the commissioner by the corporation shall be binding on the Government. But such has not been the normal practice. In fact it seems that the significance of the removal clause empowering the Corporation to pass a resolution for the removal of the commissioner lies only in ventilation of its grievances against him and its unwillingness to cooperate with him. The view that "the corporation has a vital say in cutting short his tenure at any time if he shows a tendency to go off the rails",<sup>6</sup> does not hold good in the majority of the corporations. The view of the Rural-Urban Relationship Committee that in case the Corporation passes a resolution by a prescribed majority of the councillors asking the Government to withdraw the Commissioner, "the government must withdraw"<sup>7</sup> seems to be only a pious wish. In fact it is the political pattern or the Local Self-Government Minister-Mayor or Corporation relationship in the state which finally decides the attitude and action of Government in this regard.

## V

Under such a municipal structure, therefore, the quantum of control exercised by the representative body is naturally meagre. The existence of an irresponsible chief executive naturally affects profoundly the democratic principles like responsiveness and accountability in the municipal management in India. It does not seem unfounded to say that the present structure of municipal corporation does not confirm to the self-governing principles and that is why the Indian cities under the present municipal structure cannot be considered as fully self-governed cities<sup>8</sup>. The essential conditions to qualify as a self-governing city, in the words of W.A. Robson, are "that not only the deliberation of policy, the passing of Ordinances, and the control of finance shall be within the ambit of an elected council but also that the executive power shall belong either to the council, or to an organ appointed by council, or the officers directly elected by the citizens."<sup>9</sup>

<sup>6</sup>M.A. Muttalib, "The Municipal Commissioner", *Public Administration*, Vol. 45, London, Autumn, 1967, p. 252.

<sup>7</sup>*Report of the Rural-Urban Relationship Committee, op. cit.*, p. 68.

<sup>8</sup>W.A. Robson, due to these reasons has not kept Bombay and Calcutta under the category of fully self-governed cities, *vide* W.A. Robson, (ed.), *Great Cities of the World, op. cit.*, p. 52.

<sup>9</sup>*Ibid.*, p. 52.

A scrutiny of the functional role of the chief executive also reveals that his presence in the municipal management violates the democratic principles. He actively participates in the initiation of municipal policies as he submits policy proposals, prepares the budget and participates in the meetings of the corporation and its committees, of course, without the right to vote. The practice of such a participation of the civil service in policy initiation is not against democratic tradition for such an involvement on its part has become an inherent characteristic of democracy; the municipal commissioner's involvement in such a task seems to be undemocratic because he is accountable to neither of the constituents of the municipal corporation and none of them is responsible for his actions.

## VI

In some quarters, however, the present model is advocated on the ground of efficiency. As a popular body is considered neither suitable nor capable for management functions, the induction, of a civil servant as the chief executive has been, according to them, deemed essential. It is said to be more essential in a municipal government as in such a government matters of management are more involved than the matters of policies. For good government, the protagonists of this model maintain, such an arrangement is necessary. It seems, thus, that in such an advocacy, the ideal of efficiency has become a 'cardinal consideration'. But the antithesis drawn between self-government and efficient government seems erroneous. Efficient government never means irresponsible government. In fact good management requires that authority and responsibility should go together. Distrust in the capacity of popular bodies and withholding responsibility from them will amount to abandoning of democratic ideals. To choose the ideal of efficiency at the expense of democracy strikes at the very root of local self-government. Moreover, the existence of a civil servant with the coordinate authority as the chief executive in municipal corporation never guarantees efficiency. Had it been so, most of the superseded municipal corporations would have been efficiently managed concerns. In Patna the civic condition has gone from bad to worse after the supersession.

As the present municipal executive is a salaried official he naturally lacks initiative and leadership. He cannot represent the citizens and as such cannot be expected to provide political leadership. The mayor for want of executive responsibility—formal or real—has not acquired the capacity for such a leadership. The corporation and the standing committee, being basically the deliberative bodies, are not suitable for such a task. Thus, there is a political vacuum under the present



structure and there is no one to fill up this vacuum. Further, as the chief executive is not a permanent and professional official of the municipal corporation he is also not in a position to provide even administrative leadership. His unresponsive character, transitory stay and the lack of commitment to the municipal corporation on the one hand, and the heterogeneous character of the municipal employees<sup>10</sup> on the other, incapacitate him to develop such a quality. Under such a situation efficiency naturally is the casualty.

## VII

The present structure, therefore, calls for a rethinking for its modernisation. It needs to be revised so that it may square with the sound theory and practice of democratic management. In fact for a better city administration political and management principles need to be combined. In the USA the induction of a Chief Administrative Officer (CAO) under the supervision and control of the elected Mayor in some of the cities under the Mayor-Council plan seems to be an attempt towards this combination. Under this device the executive power is being shared between the Mayor and a new functionary called the chief administrative officer or the general manager. This official is appointed by the Mayor and he acts as his assistant. The invention of this device is in response to a call for managerial leadership in the management of large cities.<sup>11</sup> In view of the growing complexity in the municipal administration the elected representative needs the managerial help and the new office is in response to this need. According to Sayre this office strengthens the position of the elected chief executive (Mayor) in the field of political and administrative leadership.<sup>12</sup> Large number of American cities over 5,00,000 population has adopted this system.<sup>13</sup>

But in India, though there have been great deal of discussions as to

<sup>10</sup>The reason for such heterogeneity is the lack of a separate municipal cadre of municipal employees. Most of the municipal officials at the higher and middle levels of management are government officials on lien.

<sup>11</sup>See Wallace S. Sayre, "The General Manager Idea for Large Cities", *Public Administration Review*, Vol. XIV, Autumn 1954, pp. 253-258.

<sup>12</sup>Wallace S. Sayre has called this innovation in tune with the recommendations of the President's Committee on Administrative Management, 1937 and Hoover Commission's later studies on the national government, *op. cit.*

<sup>13</sup>H.M. Olmsted, (ed.), "News in Review", *National Municipal Review*, Vol. XLIII, No. 4, April 1955, p. 199. However, this new device is not free from criticism. For this, see, John E. Bebout, "Management for Large Cities", *Public Administration Review*, Summer 1955, pp. 188-195.

the form of and need for a political executive,<sup>14</sup> no national pattern has yet emerged and no reform in the old model of municipal structure has been introduced. Here the slogan of administrative efficiency, which was ignored to some extent even by Lord Ripon a century ago, seems to be still hovering in many minds. But the apprehension in granting real power to local representatives that they might abuse their power seems to be without foundation. When the responsibility for the governance of the nation has been entrusted to the peoples' representatives there should not be any fear or hesitation in bestowing full power of governance upon the civic representatives. Unless municipal institutions, and for that matter local bodies in general, are given liberty of actions, they will fail to develop a sense of responsibility and commitment in civic affairs. For this the creation of a political executive seems to be imperative.

### VIII

As regards the form of political executive in municipal management it may be vested either in a single individual as it is in a great number of large cities in the United States, or in a group of equals as it is in Switzerland, or in a group of persons patterned on the English Cabinet System. In India opinion on this issue seems to be still divided. One school of experts favours the cabinet system while the other the strong mayor form.<sup>15</sup> There is a third group also which favours the council-committee plan.

Which form will suit the Indian conditions is of paramount importance as no system can be simply an intellectual construct. As any system is to be worked out by a human agency the socio-political situation of the country will have to be taken into consideration. But there is no denying the fact that India needs a municipal structure which can ensure democratic functioning as well as efficient management.

A special committee of the All India Council of Mayors favoured the system of mayor-in-council "which would give a mayor executive powers". Under this the mayor with his council is to be responsible to the deliberative body.<sup>16</sup> This is more or less on the line of the cabinet pattern. Though the national pattern favours the cabinet type

<sup>14</sup>See *Cabinet System in Municipal Government: Proceedings of a Seminar*, Sept. 15-16, 1969, New Delhi, The Indian Institute of Public Administration, pp. 1-84, and also Mohit Bhattacharya, *Essays in Urban Government*, Calcutta, World Press, 1970.

<sup>15</sup>For details see papers read by Mohit Bhattacharya and M.A. Muttalib in favour of the cabinet system of municipal executive and by Ali Ashraf in favour of strong mayor form, *Cabinet System in Municipal Government*, *op. cit.*

<sup>16</sup>*Hindustan Times*, September 15, 1973, New Delhi, p. 3.

of municipal executive which may be more compatible with the deliberative control, such an executive will fail to provide integration and stability in administration. Owing to the growth of multiplicity of political parties and strong tendency towards defection in Indian politics, cabinet system in municipal management may not be preferred. Hence a single man political executive may be tried. The executive leadership may be vested in a single individual with an administrative officer like the American CAO to assist him, and he should be elected either popularly or chosen from amongst the members of the council with a fixed tenure. Such a system will provide stability in administration with the advantage of expertise of the administrative officer and such an executive may also be able to develop leadership quality for shouldering responsibilities at the higher levels of administration. But in constructing such a system care must be taken to endow the executive with executive powers and the administrative officer, who will necessarily be a professional, must be made subordinate to the political executive. The creation of a separate cadre for municipal service will be helpful in providing such an administrative officer. Further, the world tendency today also favours a 'monocratic' executive at least at the national level<sup>17</sup> and this can be tried at the local level also. □

<sup>17</sup>C.J. Friedrich in Jean Blondel, (ed.), *Comparative Government*, London, Macmillan and Co. Ltd., 1970, p. 182.

# REMODELLING THE CITY GOVERNMENT OF CALCUTTA

M.K. BHATTACHARYYA

**U**RBAN DEVELOPMENT in a planned way in the metropolis of Calcutta needs a strong city government that would permit mutually re-inforcing action by its legislative, executive and bureaucratic wings. First of all, it is necessary to have an identifiable, centralised and coherent executive with a will for public action to meet the civic needs of the people.

Can the present city government of Calcutta do anything to ensure urban development in a planned way in the metropolis? The answer is no. But why? Because, unfortunately, the structure of the city government under the Calcutta Municipal Act, 1951 suffers from serious handicaps. The executive organ of the government is incompetent to cherish an executive will because it is divided between the ornamental Mayor on the one hand and the Chairmen of some nine statutory Standing Committees on the other. Under such a situation where executive leadership is impossible, the Commissioner, as an appointee of the State Government, finds it difficult to provide bureaucratic leadership for co-ordinated urban development, since he can continue in office only by satisfying some ten uncoordinated executive bosses. The City Council ceases to work effectively on serious matters concerning the local government of the city after electing the members of the different Standing Committees, each concerned with its own specified functions. Again, many amendments have since been made to the Act in order to increase state government control and thus to rob the city government of its due autonomy. In short, the statutory bottleneck for an effective city government and the colonial treatment meted out to it by state government have stood in the way of purposeful urban development in the city.

The present statute, therefore, needs a thorough overhaul and the structure of reform should be designed to provide the following four key requirements of the city government of Calcutta :

1. An active city council;
2. A centralised political executive capable of playing the leadership role;

3. A subordinate chief municipal bureaucrat; and
4. Liberation from colonial treatment by the State Government.

With these four key requirements in mind and remaining aware of the existing multi-party government in the city, a package programme of reform may be evolved. The specific elements in the recommended structure of reform along with the reasons for such recommendations are laid down in the following paragraphs.

#### ABOLITION OF THE DIFFERENT STATUTORY STANDING COMMITTEES AND INCORPORATING PROVISION FOR CREATION OF ONE STATUTORY STANDING COMMITTEE AS THE MAYOR-IN- STANDING COMMITTEE

The present Act provides for a number of statutory Standing Committees to look into several aspects of the municipal government. All of them being statutory, they are independent and are not coordinated under any meaningful authority. The powers of these committees differ according to the nature of their functions. Such a system of several statutory Standing Committees has a number of disadvantages.

- (a) The Corporation as the highest deliberating-cum-policy-making body becomes disintegrated and useless because a large number of active councillors gets involved in the policy-cum-administrative aspects of compartmentalised municipal functions. The Corporation thus gets bogged down only in unimportant matters and the variegated opinions and interests in the city are neither systematically articulated nor properly ventilated in the process of policy formulation. The net result is that the status of the city council within the city government is poor with the concomitant result of poor policy formulation.
- (b) The presence of so many statutory functional committees results in the disintegration of *de facto* executive power and curtails the scope for coordination of different functions at the instance of a centralised executive. Because of the statutory provisions for an ornamental Mayor and a watch-dog Commissioner, co-ordination becomes still more difficult to achieve.
- (c) In the absence of an integrated executive leadership, the statutory nature of so many committees which enjoy tremendous amount of referred and delegated powers, and the system of dual government through the appointment of an independent Commissioner leads to loose administration and there is abuse of power due to a close rapport between the committees and the administrative departments. Powers and positions in the

Committees are utilised not infrequently for personal advantages. Works are got done to fulfil narrow parochial-cum-functional interests of the councillors-in-the committees without undergoing the process of detailed administrative scrutiny in the overall interest of the city.

A single statutory Standing Committee with the Mayor in it, as recommended below, is likely to remove all these fundamental organisational defects of the city government of Calcutta. It will help reinstate an active city Council to hold the rein of the executive steed. It will permit (collective) executive leadership to cherish an executive will for co-ordinated urban development. The centralised and collective responsibility of the Mayor-in-Standing Committee will check uncoordinated functional-cum-special interests of the committee members and thus put an end to the widespread administrative looseness in the present system. And finally, the replacement of the present plurality of committees by a single committee is being advocated for two important reasons.

Firstly, in the historical process of curtailment of the corporation's functions little is now left to the city government's charge. In the Greater Bombay Municipal Corporation, besides the Standing Committee, the other statutory committees are the Improvement Committee, the Education Committee and the BEST Committee. As the Greater Bombay Municipal Corporation has more functional responsibilities, its various Standing Committees came to be constituted out of necessity. In the absence of these functions, one statutory committee is considered now suitable for Calcutta. Moreover, such a committee will best meet the two important needs of the city government, *viz.*, (i) policy co-ordination, and (ii) executive leadership. Needless to mention, it is the conspicuous absence of these two things that lie at the root of all the maladies of the city government of Calcutta.

Secondly, the advantages of division of labour as prevalent in the present system can still be attained by having some *advisory rather than statutory* committees. Such committees, being advisory and not statutory in nature, will be subordinate to, and not coordinate with, the supreme deliberating body, *viz.*, the Corporation and hence, serve the double purpose of involving more councillors in city affairs and allowing more status and function to the Corporation.

#### 44 *Municipal Executives in India*

YEARLY ELECTION OF MAYOR AND DEPUTY MAYOR FROM AMONG THE COUNCILLORS WITH PROVISIONS FOR RE-ELECTION: STATUTORY POSITION OF THESE TWO OFFICES IN THE STATUTORY STANDING COMMITTEE AND POWER OF CASTING VOTE FOR MAYOR ONLY IN COMMITTEE DECISION

Under the present system there is little formal power of the Mayor and as a result, the highest civic office, despite all the pomp and prestige, has been ineffective; it has to be changed into a powerful executive head without curtailing the collective power of the civic leaders. The Mayor, as contemplated here, will provide due executive leadership and ensure better bargaining capacity of the city in its relationships with the higher level governments.

ABOLITION OF THE INDEPENDENT COMMISSIONER AND INCORPORATING PROVISIONS FOR APPOINTMENT OF THE COMMISSIONER BY THE CITY GOVERNMENT

The Commissioner is the chief administrative officer of the Corporation, but he is appointed by the State Government. This system has the following disadvantages:

- (a) The administrative officer being an outsider, there is no organic relationship between the elective executive and the Corporation bureaucracy. Such a situation is not helpful for positive administration.
- (b) Being planted by the state government as a fault-finder of the Councillors-in-Committees, the Commissioner does at best have a negative value and is not able to provide bureaucratic leadership which is so essential for coordinated and planned urban development.
- (c) The system of dual government, where the independent Commissioner is pitted against the Standing Committees, proves to be an impediment to united governmental action. It creates distrust between them, breeds rigidity in city government and leads to the loss of bureaucratic skill.

The recommended system will remove all these defects and is geared to utilise the bureaucratic expertise in the Commissioner under the unifying command of the centralised political executive. Obviously, no other appointed officer should also enjoy statutory independence as is the case now with the finance officer and the chief accountant.

ABOLITION OF STATUTORY POWERS OF THE STATE GOVERNMENT  
TO INTERFERE WITH NORMAL DAY-TO-DAY FUNCTIONS OF  
THE CITY GOVERNMENT

After the recent amendments to the Act, the State Government has got powers to make rules to determine the duties, powers and functions of the Commissioner, the Standing Committees and the Borough Committees. This is a sad commentary on the State Government's assessment of the city problems, as it smacks of the traditional attitude of the big brother to indulge in increasing encroachment on the internal affairs of a subordinate organisation. It requires to be reminded that local governments are statutory creatures of the State Government. Hence, such attitude of regular interference amounts to colonial treatment and is detrimental to the normal growth of the institution. In effect, it weakens the scope for full exercise of delegated power by the local government. In the recommended structure of city government, the powers to define the functions and duties of the internal administrative authorities should be vested in the Corporation with a provision for approval by the State Government.

Now, the three chief authorities of the city government, as recommended here, can be identified as follows:

- (a) Corporation;
- (b) Mayor-in-Standing Committee; and
- (c) Commissioner.

The Mayor-in-Standing Committee will act as the cabinet of the city government with the Commissioner as the *subordinate* chief executive and the Corporation as the *supreme* authority to guard and guide the public interest of the city of Calcutta.

It should be clear by now that this recommended structure of the city government of Calcutta does not look for minor repairs of the present governmental machinery. On the contrary, it challenges the very design of the existing machinery which is unsuitable to break the present state of inertia of the city government of Calcutta. The suggested model attempts to create an environment in which civic leadership can grow to impart dynamism to the city government. □



# IMPLICATIONS OF THE MAYOR-IN-COUNCIL FOR CITY GOVERNANCE

KALYAN BISWAS

IN A REPORT prepared in 1971 the IIPA had examined the various alternatives to municipal structural reforms in India.\* In fact, this report was the outcome of persistent demands being made in the various sessions of the All-India Council of Mayors and the Central Council of Local Self-Government in the previous years for a structural reform of the urban local bodies in the country. In its report the IIPA had considered several alternatives like the presidential system, the cabinet system, and the committee system, but quite understandably did not come to any specific recommendation since the decision for any structural reform in the urban local bodies should necessarily be a political one and its precise form would also have to suit a specific situation.

Ten years have since gone by and no major effort has been made in this respect. One would be tempted to think that structural change in the urban local bodies did not matter any more and possibly other reforms—both internal and external—have been carried out to obviate the necessity of the structural reform. That such a conclusion would be erroneous need not be underlined. Yet, in all probability, things would have been allowed to drift, as it were, but for the fact that the West Bengal Legislative Assembly has passed in May 1980 the Calcutta Municipal Corporation Bill 1980 which has adopted a Mayor-in-Council form of municipal government for the city of Calcutta. This system has very close resemblance to the cabinet system of government. This has certainly revived interest and debate on the issue of reform of the civic bodies. Indeed, the Bill has been in preparation since the middle of 1978 and during these two years that it took to be finally legislated, the contents of the draft Bill had generated considerable interest in the country.

It is not quite self-evident, however, as to why this particular form of government was finally adopted for Calcutta. One would not also know as to whether an analysis of the pros and cons of the other possible models were analysed before selecting this particular form. In the absence

\*Cf. *Proposals for Model Legislation for Municipal Corporations*, Indian Institute of Public Administration, Centre for Urban Studies, New Delhi, 1977.

of any other information it may be presumed that the fact that this form of government was constitutionally prevalent in the country must have finally weighed with the authorities; also perhaps, because the ethos and the mores of this form of government would be more acceptable and in tune with the rest of the country. Evidently the practices and demands of the cabinet system of government are more known to the political executives and this acquaintance may have prompted the final selection more than any other factor like that of institutional viability and operational efficiency of such a form of government at the city level.

For instance, it is possible to argue that the objectives of 'participation' and 'efficiency', relevant as they have been in the local government throughout the last two centuries, would be achieved in a greater measure in this structure. Nobody, of course, can deny the validity of these two objectives; in fact, the validity if anything has increased; but to what extent they could be conflicting and/or converging would still remain a major area for enquiry in terms of organisational analysis.

Then again, in what way can it be said that the corporation of Calcutta needed this institutional reform when some other city corporations like Bombay, Ahmedabad, Bangalore, Pune and Madras have not yet felt the necessity of any such reform even though the latter bodies are no less efficient than the former? Is this criterion of efficiency, therefore, independent of the criterion of participation? Can the other civic bodies mentioned be called less democratic than the proposed civic body in Calcutta? Even more importantly, since all the city corporations today have the same kind of structure—the elected councillors in the Corporation, the Standing Committees and the Commissioner—what made the corporation of Calcutta much less efficient and much less organised than the other bodies given the same structural pattern? The answers to these questions could be the possible areas of further investigations.

Students of organisational science often claim that there is a direct relationship between the structure of an organisation and the processes which that structure is expected to sustain. They would also argue that a change in management structure does not necessarily bring about a change in the management process. Basically, the Mayor-in-Council system, as the cabinet system of government in the local body is described, is a structural reform and is not an internal management reform. The former does not guarantee the latter. What it does initially, however, is to meet the perennial criticism of the existing structure of the city corporations in India whereby an artificial and legal separation between the deliberative and the executive wings has been carried out leading thereby to contradictions and bottlenecks. If the relationship between the structure and the process in the local government has to be

established and facilitated, in terms of not only external characteristics but also internal management process, then only the political and administrative validity and legitimacy of any institutional reform in the local government can be defended. Our process of enquiry, therefore, will have to be directed towards identifying how through this internal management process the new Mayor-in-Council structure has to be installed and strengthened.

It is important to realise that the implications in reforming the organisational structure of the Corporation, in the form of Mayor-in-Council lie in several important areas. In the first place, the functions of the Corporation and the wherewithals to carry them out along with the regulatory and the sanctioning mechanisms, would be an area which need to be regrouped and redefined. Secondly, the decision-making mechanism itself will be streamlined as the Mayor-in-Council, as a more compact body, would be able to take decisions quicker and hopefully much better, than the array of Standing Committees. Consequently, the Mayor-in-Council should have opportunities to arrive at comprehensive action programmes at the city level. Within the Mayor-in-Council, however, and given the ethos of party behaviour and political democracy in the country, the Mayor will have considerable freedom to act. Such freedom he could enjoy either by the inherent sanction of the legislation itself or through delegated powers from the Mayor-in-Council, and also by those which he can assume through conventions and his force of personality. Further, if the Mayor-in-Council has been made accountable to the Corporation as a corporate body with the usual parliamentary checks and balances, then the collective responsibility of the Mayor-in-Council along with its accountability to the Corporation will ensure a more responsible and developmental attitude in its work than has been possible hitherto by the Standing Committees. In fact, all these possibilities have been envisaged and enshrined in the Calcutta Municipal Corporation Act 1980 to a great extent. One must, however, hasten to add that operationalisation of these concepts and practices will depend on an intelligent and responsible leadership; primarily that of the Mayor himself, since he will be the political executive at the municipal governmental level on whom will depend the future success of the Mayor-in-Council system.

But the Mayor will require the Municipal Commissioner to help him in this work. If the decision making mechanisms have to be streamlined and improved, at the level of Mayor-in-Council and the Corporation as a whole (not to speak of any other tier like Borough Committee, which the Calcutta Act has provided for), then the Municipal Commissioner as the principal administrative officer has to use his supervisory and controlling authority upon other executive heads to resolve the interface problems and assist the Mayor and the Mayor-in-Council to evolve norms and standards to hold together the diverse functions of

the Corporation as also the Mayor-in-Council itself. If the Mayor and the Municipal Commissioner establish rapport between themselves to act, to guide, to control and to take initiative; it will facilitate, envisage and institutionalise the decision-making processes in the Mayor-in-Council and the Corporation. The option rests as much with the Mayor as with the Municipal Commissioner.

It may be tempting to show the analogy of the Chief Minister and the Chief Secretary in this respect. While some of the conventions and the practices at the State Government level in this respect may be worth emulating, it will be improper to extend it beyond what the Mayor-in-Council system would provide. In the State Government the departmental secretaries are primarily responsible to the cabinet Ministers while the Chief Secretary serves as the service and the administrative head in matters where his interventions are sought or he thinks that he should intervene *suo moto*. The officers of the departments of the Corporation on the other hand are primarily responsible to the Municipal Commissioner and through him to the Mayor and the Mayor-in-Council. The choice, therefore, rests with the Mayor and the Mayor-in-Council to what extent they will allow the Municipal Commissioner to act not only as something of a Chief Secretary but also as a Cabinet Secretary (*i.e.*, the instrument of the Mayor-in-Council) and as the Principal Secretary to the Mayor (*i.e.*, the Mayor's own eyes and ears).

Much, therefore, depends on how such relationship and linkages among the Mayor, the Mayor-in Council, the Municipal Commissioner and other key officers are drawn. The pertinent observation which can be made in this context is that the stimulus for the structural reform of the Corporation has not come from within the Corporation as a body politic itself but more as an external imperative.

It is also significant, at least in the Calcutta case, that the two major structural (*i.e.*, legislative) changes which have been brought about in the Municipal Corporation recently—the one in 1951 and the other in 1980 were both enacted during a period of supersession of the civic body by the State Government. In other words, it is the State Government's own thought process which has been reflected in the legislations affecting the structural reforms and the Corporation has been made to accept it almost as a *fait accompli*. It is also interesting to see that whatever amendments in the existing legislation of the Municipal Corporation have been made so far to improve some aspects of the functionings of the local body, it is not the Corporation as a civic body which has moved the State Government to make such amendments for the improvement of the civic administration, it has been the State Government's own realisation (sometimes on the recommendation of the Commissioner). The Corporation, therefore, has always been made

to admit—without questioning—the consequences of external adjudications upon itself.

It cannot be gainsaid, therefore, that the Municipal Corporation itself, if it were still an elected body, would have pressed for a major structural reform of the kind now effected. As has been found in various studies, the existing pattern of the Corporation—Commissioner—Standing Committee being the three coordinates of the power structure—have also developed a mutually-reinforcing system *al beit* at a particular level of efficiency and integration, which would have generated no forceful pressure on the State Government for a drastic structural reform. Since the participants stand to gain in some measure from the prevalent system, notwithstanding its weakness and inefficiency, and since rewards of any new structural system could not be anticipated and compared with those in hand, the demand for structural reforms by the elected Corporation would have really meant a leap in the unknown and uncertain dark. If this observation is correct then one hypothesis could be that a fundamental structural reform like the Mayor-in-Council is what the civic body, when re-elected, might accept with scepticism as a system to be encouraged and maintained, and therefore, all the institutionalisation of the internal management process which we have been talking about may not be realisable for some time. The structural reforms, in that case, would be seen as a measure which has been thrust by external forces and the thrust of responsibility for its success should, therefore, come from the external sources also. The other conclusion could be that till such time as the new councillors, including the Mayor-in-Council, would be able to locate their power and their respective positions *vis-a-vis* the power groups and the interest-groups within the Corporation body politic, the new structure will be accepted for some time.

After the calculations have been worked out and the bargains have been struck, the elected councillors will revalue the new structure in terms of gains made and the losses sustained and optimally support or detract from the new system, as the case may be. All these, therefore, raise the third more important observation, *i.e.*, till such a situation settles down, will the internal management improvement process be also deferred or be proceeded with? What will be the new Corporation's ethos to start with, the presence or the absence of which will help or hinder early formulation and quick rooting by the new management process? Here again, the Mayor as a leader of the ruling majority of the Corporation and as the chief political executive on the one hand, and the Municipal Commissioner as the principal administrative officer on the other, will be required to play a combined role of caution, intervention and the leadership with tact and wisdom on which the initial success or failure of the new system will depend. In more senses than one, in the municipal

corporation arena, as never before hitherto, we may yet see a more purposeful co-existence of political judgement and leadership along with administrative management and interventions under the Mayor-in-Council system.

A major contribution of the Mayor-in-Council system of the city government will be to bring back political sanction to city administration. Perhaps, the word 'politicalisation' will be safe to use in this context since all administration take place in a political atmosphere. Like all developmental administration, city administration also is political in the sense of being involved in resource allocation, resource mobilisation and resource accumulation as in other political activity more commonly understood in the sense of patronage, power and participation. The existing structure of the city corporation perhaps does not admit of political activity in the sense we have proposed to use the word here. Indeed, over the last several decades politics in the city administration and city politics have been mixed up both as concepts and as practices, and have come to be used in common parlance in a pejorative sense. This is unfortunate but this is due to the historicity of the urban local bodies in the country, especially taking into account the tumultuous decades of the 20s to the 50s. Creation of new development authorities with a view to expedite and insulate the development planning and investment processes from municipal politics can be ascribed to this gradual decline of the level of participation, the values of city politics and municipal politics that have been earlier widespread in the country.

City development has, therefore, been seen as something to be kept separate from politics and the original exercise in this respect can, of course, be traced to the creation of the City Improvement Trusts. The institutional reflection of this non-political development processes has been to create nominated bodies for the Improvement Trusts and the Development Authorities. This process was perhaps getting to be counter-productive insofar as, on the one hand, claims for participation were rising and, on the other hand, the level of efficiency of the delivery systems was falling, added to which was the need for more and more complex planning and developmental decisions that were required to be taken. If the Mayor-in-Council, given the political, executive, the decision-making and participatory roles that it could command, helps in the process of a healthy and dynamic restoration of the nexus between development and politics, it can be said to have achieved a very major success in the furtherance of the interests of the urban local bodies.

If this really happens, or at least threatens to happen, it will very directly raise many inter-institutional questions relating to the total city administration framework in which, in addition to the Mayor-in-Council which will run the city corporation, there may be other institutions, like,

the development authorities, improvement trusts, special authorities concerned with allied functions and sharing the powers of urban planning and development. The task-boundaries of these institutions, therefore, will have to be redefined in relation to the identification as to which of all these bodies would be the 'Mother Body' for the city. Obviously, the Municipal Corporation under the Mayor-in-Council will claim to be a mother body which would redefine and re-allocate the resources and activities of other bodies. The basic contention here is that given the existence of local government as a constitutional level of activity, there is very little opportunity to divorce politics from development and attempts should be made so that a convergence of both takes place in the local governmental structure in the form of a Mayor-in-Council City Corporation. Patently, there cannot be plural sources of action and influence-sharing in government.

If the validity of such a level and function of urban local government is accepted, then a new landmark can also be expected to be established between the city government and the state government. Here again, the tradition hitherto in the country has been a mixture of neglect, dependence, mistrust and sporadic interests, which have been mutually reinforced by bilateral misconceptions. The relevant questions in this respect will be: to what extent the state government will be agreeable to decentralise necessary powers and functions? To what extent devolution, sharing and new allotment of resources will be made for the urban local bodies? To what extent the existing attitudinal (as distinct from polemical and rhetorical) differences towards the urban and the rural local government by the same state government will be maintained? To what extent urban leadership and training will be deemed crucial as part of institutional building? To what extent participation and politicking will be distinguished? To what extent the state government's own functional roles be allowed to be modified to help in the growth of the urban local government? It will be positively harmful not to recognise that reform of the urban local government, especially like introducing a powerful Mayor-in-Council system in the city corporations, cannot be the end of it. Such a reform predicates certain internal metamorphosis of the state governmental structure and policy thinking in its turn which must be carried out in order not to stultify the growth of the newly reformed organisation. Thus the structural reform of the city corporation should be seen as one way of initiating the reverse process of reforming the structure of at least some parts of the state government also. If it appears proximate, let it be so; but let it not go unrecognised. □

# STRUCTURAL CHANGES AND PERFORMANCE CHARACTERISTICS: PROSPECTS FOR MAYOR-IN-COUNCIL IN CALCUTTA MUNICIPAL CORPORATION

D.D. MALHOTRA

**A**MONGST THE municipal corporations of India, Calcutta Municipal Corporation is unique in many ways. Its history is closely knit with the vital role the city played as a capital of India till 1912, as a base for educational, social and political renaissance, in providing leadership to the freedom movement and is being a nerve centre for economic activities of a large and densely populated part of India. The portrait of the history of its structural changes, the type of which no other municipal corporation has experienced, gives the deep impressions of conflicts arising out of the impulses behind local government idealism and those dictated by the expediency of governance at higher level, triggered by the gap between the expected behaviour of the formal structure and the power dynamics of the civic leadership and various elite groups. The city, its local government and the civic administration have suffered in the process. The Calcutta Municipal Corporation Act, 1980 is the latest attempt, amongst a series of those made since the Calcutta Municipal Act of 1899 (the Mackenzie Act) in introducing structural reforms with a view to obtain improvement in the performance of the corporation. An attempt in this article is made to highlight some of the factors critical to the performance of the Calcutta Municipal Corporation and examine the likely impact of the envisaged structure under the Act of 1980.

In viewing the performance characteristics of local bodies, it is necessary to keep a distinction between their intrinsic weaknesses and imposed infirmities, since the former may be the effect of the latter in some cases, the cause in others, whereas the cause and effect relationship may be extremely complex when the State Government and its bureaucracy has little willingness to share power and influence with the local government institutions. If their dependency on the State Government is perpetually fostered by the inadequacy of their financial resources arising out of the limited scope of their revenue base, and if their role and functions are circumscribed and their importance reduced by more powerful state



government agencies operating within their jurisdiction, structural surgery may have only a marginal effect on their performance unless the structure of state-local government and inter-organisational relationships are brought in line with the objectives of the reforms. The changes incorporated in the Calcutta Municipal Corporation Act are based on the assumption that intrinsic weaknesses of the Corporation arise out of its structural dysfunctions. The prospect for its performance improvement is heavily based on the validity of this assumption. An analysis of its structural changes carried out in the past would help in formulating certain propositions against which the characteristics of the new system can be examined.

#### THE SOURCES OF CORPORATION'S STRUCTURAL DILEMMA

The first time the structural controversy in the history of the corporation was triggered off by the Bengal (The Calcutta Municipal) Act No. III of 1899 (the Mackenzie Act), when it substantially curtailed the powers of the elected representatives, it discarded the earlier constitution of the Municipal Act of 1888 which vested the powers in the Council without granting any specific powers to the government appointed Chairman who was also the executive head. The breakdown of municipal administration, under this system was attributed to the paralysis and demoralisation of the officers and staff caused by the proliferation of committees, the way they functioned and the councillors "who came forward to contest elections not out of love for the public service, but of a regard for their own personal advantage. When it came to the question of making appointments in the municipality, there was canvassing, there was jobbery, there was even corruption."<sup>1</sup> It was expressed that "No reasonable being can suppose that an executive, hampered by the possibility of interference by any one of a series of multifarious committees, and watched by a complaints committee which any grievance monger can set in action, can administer successfully the affairs of a great city."<sup>2</sup> The dominant objective of the Act of 1899 was to reduce the Commissioners' (Councillors) "break power and to add the vigour to the executive authority", It had before it the Bombay model as laid down under Bombay Municipal Corporation Act of 1888 which separated the executive and the deliberative wings and distributed the statutory powers amongst the three coordinate authorities, that is, the Corporation, its Standing Committees and the Commissioner

<sup>1</sup>Keshab Choudhuri, *Calcutta: Story of Government*, Orient Longmans, New Delhi, 1973, p. 170.

<sup>2</sup>Mr. Risley, on 19th March, 1898, Bengal Legislative Council Proceedings (1898), p. 34, quoted from *Calcutta: Story of Government*, *op. cit.*, p. 167.

appointed by the government, leaving out the Mayor as head of the deliberative wing and as the first citizen occupying essentially a ceremonial office. The predominance of the Bombay model can be best gauged by the fact that it has been widely followed, even after colonial rule, in shaping the destiny of the municipal corporations in India. Its extension to Calcutta was extensively debated and its modified version was first introduced through the Calcutta Municipal Act 1899. It incorporated those features of Bombay model which were considered unpopular and left out the provisions which popularised the system. It established the three coordinate authorities—the Chairman (government appointed official), the Corporation (the Council) and its General Committee, both of which were presided over by the Chairman. Thus, the Chairman became the pivot around which the deliberative and the executive wings functioned. The powers of the Council were curtailed and executive state control was introduced. Even though the Corporation enjoyed lesser autonomy than the Bombay Municipal Corporation, its General Committee was vested with more powers than its Bombay counterpart—the Standing Committee—in framing bye-laws, in matters of contracts, appointments, appeals, etc. As a protest against the new constitution, elected representatives including Sir Surendra Nath Banerjea resigned from the Corporation.

Despite the enormous unpopularity of the new structure, substantial and significant administrative reorganisation was carried out. For the first time, the work of the Corporation was decentralised by setting up four districts, each having a district health officer, a building surveyor and an engineer with their respective establishments representing health, building and newly amalgamated engineering and conservancy department. The creation of the district committees comprising of local councillors was attempted, but enjoying no powers, they did not function. The improvements in the administrative system were overshadowed by the unpopularity of and controversies over the governmental structure which combined the deliberative and executive leadership in the government—appointed Chairman who could hardly satisfy the demands of both the functions. The Decentralisation Commission of 1907 noted the popular demand for change and recommended a Government structure similar to the Bombay Model and finally, the Calcutta Municipal of 1917 was introduced in Legislative Council with a view to implement its recommendations. The Bill was, however, withdrawn in view of the constitutional development in India following the Montagu-Chelmsford Reforms under which the local-self government became a transferred subject.

DEMOCRATISING THE LOCAL SELF-GOVERNMENT: SUPREMACY  
OF THE COUNCIL OR THE COUNCILLOR?

The structure of the Calcutta municipal government was subjected to radical changes by Sir Surendra Nath Banerjea, who, as the first Indian Local Self-Government Minister, was the architect of the Calcutta Municipal Bill of 1921, which became the Act of 1923. His design was shaped by his objective 'to establish in this great city, the essential principles of democracy—the government of the people, by the people, and for the people'. He further stated at the time of introducing the Bill that "you cannot have an advanced modern system at the top with mediaeval formulae working vigorously at the bottom. You cannot have a golden turret mounted on a decaying and crumbling edifice. Our self-governing institutions must form a compact, consistent and harmonious whole".<sup>3</sup>

The new legislation had the following structural characteristics of the municipal government of Calcutta:

- (a) The supremacy of the Council was restored to what it was prior to 1899 by vesting all the powers in it except those relating to assessment and elections.
- (b) The position of the Chairman was abolished. Its deliberative and executive roles were split. The deliberative wing was to be presided over by a Mayor to be appointed as the head of the executive wing.
- (c) The powers of appointment and termination and of determining the salary and conditions of service of the Chief Executive Officer vested in the Council. However, the exercise of these powers was subject to the approval of the Provincial Government.
- (d) The General Committee was abolished. The Council could determine and delegate any of its powers and duties. The provision was also laid down for constitution of district committees comprising of councillors representing constituencies within the districts. It was expected that the Council would delegate adequate powers to them in order to play a crucial role in carrying forward the movement of bringing the government nearer to the people.

Apart from these changes, the size of the Corporation and its jurisdiction were expanded. The amendments of this legislation between

<sup>3</sup>Keshab Choudhuri, *op. cit.*, p. 337.

1923 and 1947 did not alter this basic structure. But some of them did reflect the conditions while others increased tensions and sharpened the conflicts, particularly those arising out of the introduction of communal electorate, under which the structure was to operate.

Since the authority of the Corporation was concentrated in its Council and functionally scattered amongst its various Standing Committees, the performance of the system became critically dependent upon the way councillors perceived the authority and exercised it. The authority had essentially two components: one the authority to lay down policies and to ensure accountability of the executive system, and the other, the authority to execute the policies. It was for the collective bodies, the Council and its Standing Committees, to evolve their role primarily around the first component and delegating the second to the executive system. But if the perception of each councillor failed to recognise the distinction between the two components of authority and led him to believe that it was he who was the source of authority and not the collective body of which he was the part, the inevitable consequences would be the total fragmentation of both the deliberative and executive wings despite strong structural linkage between the two through the allocation of formal authority. The necessary integration within the system, under the circumstances, could only emerge out of a pattern of leadership skills and behaviour which could articulate those values of political conduct and exercise of authority that were independent of parochial and particularistic bases of securing power in governmental structure.

While the Mackenzie Act of 1899 was based on the disbelief in the integrity of character of the councillors, the new Act rested on a faith that the democratic structure would create conditions for the emergence of the desired leadership pattern, cause the transformation in perception of authority from personal to institutional context, and thereby evolve necessary congruence between the political structure and behaviour compatible with it. Unfortunately, none of these logically deduced normative proposition by themselves had the operational force to neutralise the pressures of realities which were being shaped by the "unfavourable climate of abnormal political and social circumstances"<sup>4</sup> of Calcutta city. The assumption of institutional authority by the councillors without the voluntary restraints essential for its collective exercise effectively and the absence of articulation of certain superordinate goals linked with organisational objectives, left each councillor to freely respond to social cleavages and narrower interests of a limited electo-

<sup>4</sup>Ali Ashraf, *The City Government of Calcutta: A Study of Inertia*, Asia Publishing House, Bombay, 1966, p. 80.

rate or his personal goals. It left a wide scope for nepotism and corruption to permeate through all the quarters of municipal administration. The councillors "took the task of administration in their own hands and though not in actual touch with departmental work, they appointed and promoted the staff".<sup>5</sup> On the other hand, the tension and conflicts between the elected and nominated councillors, worsened by the injection of communal electorate and widespread factionalism were the conditions under which the superordinate goals for collective exercise of authority became external to the organisation. "The Corporation was used as a platform for national rather than civic causes and its leaders courted arrest and imprisonment not so much in the interest of a city in distress as in the interest of a nation in making."<sup>6</sup> While it created and fostered strained relationship with the Provincial Government, the internalisation of these goals for the purposes of giving policy and direction to executive system excessively politicised the civic administration impairing its ability to function. Under the circumstances, those very aspects of structural strength of the constitution under the Act of 1923, which sought to install democratic local government institution, became the characteristics of its defects and weakness for achieving specifically stated obligations to deliver civic services. Its internal deficiencies got aggravated and exposed by its failure to deal with abnormal conditions caused by massive influx of people to Calcutta during the Bengal Famine of 1942-43, World War II and the partition of the country in 1947. The collapse of the system was recognised by the Mayor of Calcutta when in 1947 he admitted severe financial crises and made serious allegations of maladministration against the councillors and the civic officials. In 1948, the State Government instituted a Commission of Inquiry (Biswas Commission) with a view 'to investigate and report to government on all matters relating to finance and administration of the Corporation and the working of the Act of 1923.'

Biswas Commission held the councillors responsible for the 'deplorable conditions' and for reducing the position of the chief executive officer to that of abject dependence and powerless "to withstand their threats and their blandishments". It further observed that "the Corporation executive must no doubt also bear their share of responsibility for what has happened, but the root cause of the malady afflicting the Corporation must . . . be ultimately traced to the councillors who in fact exercised a most baneful influence over the Executive".<sup>7</sup> It laid

<sup>5</sup>Ali Ashraf, *op. cit.*, p. 80.

<sup>6</sup>*Ibid.*, p. 80.

<sup>7</sup>West Bengal, Local Self-Government Department, *Report of the Calcutta Corporation Investigation Commission*, Alipore, 1950, Vol. 1., Part I (Interim Report), p. 2.

stress on the need to improve the quality of councillors and the separation of the legislative and executive functions in order to prevent the abuses and malpractices which had crippled the functioning of the civic body. The strong belief that the Bombay Model would be suitable to effectively satisfy Calcutta's need shaped the basic design of the Corporation's structure under the Calcutta Municipal Act of 1951.

#### ECOLOGICAL EFFICACY OF THE BOMBAY MODEL

While continuing to vest the municipal government of Calcutta in the Corporation, that is, its Council, the Act of 1951, as in the case of the Bombay Model, laid down that it "shall not be entitled to exercise or discharge any powers, duties or functions expressly assigned by or under this Act or any other law to a Standing Committee or to the Commissioner".<sup>8</sup> It was assumed that the Bombay Model of separation of deliberative and executive functions and of having an independent Commissioner, appointed by the State Government, as head of the executive wing enjoying statutory powers, would be the most effective form of civic government for Calcutta. In fact, such an assumption has become the bases of adoption of the Bombay Model for designing the urban local government for the larger cities of India, despite the data which tend to contradict this assumption. While the Bombay Municipal Corporation continues to function with a credibility lending strength to the assumption, the majority of the municipal corporations in India, however, remain under supersession indicating its invalidity under different ecological conditions and criticality of some factors independent of its structural design.

The Sattanathan Committee, set up to examine the administration of the Madras Municipal Corporation, which had also adopted the Bombay Model, observed that "it is impossible to make a clear demarcation between the deliberative wing and the executive wing. In the system of autonomous administration as contemplated in the Act, the deliberative wing is the Mayor, the Council and the Committees, are not simply a subordinate legislature or a mere rule-making body. The Council is also an administrative body exercising powers unlike the state legislature".<sup>9</sup> It observed that the Council directly controls and directs the administration both by its resolutions and through the proceedings of the Committees, and work of every department comes within the control, direction and criticism of one committee or the other".<sup>10</sup> These features

<sup>8</sup>Sec. 24(1) of the Calcutta Municipal Act, 1951.

<sup>9</sup>*Report on Madras Corporation Administration*, Government of Tamil Nadu, Madras, 1978, Vol. II, p. 414.

<sup>10</sup>*Ibid.*, p. 365.

of the Bombay Model were held responsible for the politicisation of the day-to-day administration, which in turn, was considered as the root cause of 'the deterioration in discipline amongst the officers and the staff.' The malady was attributed to "a deep rooted belief amongst certain section of councillors and political aspirants, that the councillors constitute the supreme authority as far as Corporation affairs are concerned and, therefore, every councillor should have a say in acceptance of tenders, in selection of contractors, in the appointment of all grades of officers and staff other than those appointed by the State, not withstanding the statutory provision that the Commissioner is the Chief Executive".<sup>11</sup>

If the intention behind the adoption of the Bombay Model through the Calcutta Municipal Act of 1951 was to insulate the executive from the 'baneful' influence of the councillors and to reduce the scope of politicisation of the day-to-day administration, the observations of the Sattanathan Committee, in the case of Madras, reveal its limitations. While examining the causes of inertia in the case of Calcutta Municipal Corporation, Ali Ashraf attributes them to certain major disabilities.<sup>12</sup> The following three disabilities which flow from the structural characteristics of the Bombay Model are:

- (i) the separation of the legislative and executive powers in a manner that renders unified and sustained civic leadership impossible;
- (ii) the duality of government between popularly-elected representatives and a chief executive officer appointed by the State Government, which encourages irresponsibility, 'buck passing' and deadlock; and
- (iii) the lack of a pivot of centre of decision-making, as municipal government is divided between three coordinate authorities, of which the Corporation has in practice abdicated its responsibilities and is in any case too unwieldy a body for decisive action, the several Standing Committees are distinct and uncoordinated cells of ineffectiveness, and the Commissioner is a frustrated independent.

Another important disability which may as well be shared by other civic bodies is "the narrow scope of Corporation functions, which limit its authority in the city, and encourages a feeling of indifference within and towards it; and the paucity of its financial resources, which renders it incapable of exerting what little authority it does possess". In any

<sup>11</sup>*Report on Madras Corporation Administration, op. cit.*, p. 371.

<sup>12</sup>Ali Ashraf, *op. cit.*, pp. 79-80.

case, the Calcutta Municipal Corporation was again superseded in March 1972. From amongst the five charges of incompetency and four of persistent defaults,<sup>13</sup> one of the most crucial to all, was the charge of its "failure to raise sufficient funds to meet the basic needs of the citizens". The powers of the deliberative wing were conferred on an administrator appointed by the State Government. The basic assumption again is that, it is the deliberative wing which is responsible for the poor performance of the civic body.

Supersession, instead of the review of the basic structure, has been the common response of the state governments. The Sattanathan Committee examined the cabinet system as an alternative for introduction of a responsible government. It observed that "one argument in favour of this system is that when power and responsibility are combined, politicisation or indirect pressures to exercise patronage will diminish. When a councillor becomes responsible for a department or a group of departments, he will realise his limitation and appreciate the need for financial discipline. The officers need not suffer indirect pressure, but obtain formal written order...." But the Committee was quick to point out that "However attractive this idea may be, we think it is premature to try this experiment."<sup>14</sup> Bengal has a different tradition, and its government, in keeping with the tradition, has chosen to adopt the alternative structure for the municipal corporation of Calcutta and it is to be seen as to how its performance characteristics undergo concomitant change.

#### CHALLENGES BEFORE THE MAYOR-IN-COUNCIL

There is no doubt that the most critical performance characteristics of a system are its capacity to mobilise its resources and productivity in their use. The autonomy and the performance of the local government are closely linked with the health of their financial and personnel administration. There may be legal or other external factors which inhibit the local body's efforts or determine the scope of raising its resources particularly its revenue income. Within these limitations, however, if a civic body fails to tap the available resources from within the city, it would obviously continue to financially starve with a crippling effect on its ability to maintain the existing level of services, and cope successfully with the internal tensions and external problems arising out of the consequent low credibility.

The comparative data of growth of revenue income and expenditure

<sup>13</sup>For details see Sivaprasad Samaddar, *Calcutta Is, The Corporation of Calcutta*, Calcutta, 1978, p. xiv.

<sup>14</sup>*Report on Madras Corporation Administration, op. cit.*, p. 372.



between 1960-77 of the municipal corporations of eight metropolitan cities of India given in Appendix I reveal that:

- (a) Percentage growth rate of income and expenditure, as summarised in Table 1, is the lowest in the case of Calcutta.
- (b) While in the case of first three cities, that is Bombay, Delhi and Pune, the percentage growth rate of revenue income is higher than that of the expenditure, in the case of other cities, the expenditure has grown at a faster rate than the revenue income.
- (c) Except in the case of Bombay during 1960-61 and 1970-71 and Bangalore during 1975-77, when revenue income has been more than the expenditure, in other municipal corporations, during the period 1960-77, the expenditure has exceeded their revenue income and the gap between the two is widening, indicating their growing dependency on the grants from their respective state governments.

TABLE 1 PERCENTAGE OF GROWTH OF REVENUE INCOME  
AND EXPENDITURE, 1960-61 TO 1976-77

City	Income	Expenditure 1960-61 = 100
1. Bombay	881.48	718.43
2. Delhi	791.00	697.22
3. Pune	717.31	714.69
4. Bangalore	593.18	737.92
5. Ahmedabad	570.86	728.81
6. Kanpur	349.64	378.84
7. Madras	*	825.15
8. Calcutta	235.05	259.34

\*In the case of Madras, the data for 1970-71 are available and an increase of 282.55 per cent in income had already taken place by that year.

The Calcutta municipal corporation has not only the lowest growth rate of revenue income and expenditure in monetary terms but also in real terms. If we apply the price index of 1960-61 as 100 and deflate the data for the subsequent years, the revenue income and expenditure has been declining. At the present level of its financial resources and growth rate of its revenue income, the Calcutta Municipal Corporation cannot be expected to prevent the deterioration in the standard of civic services. The setting up of special agencies such as the Calcutta Metropolitan Development Authority, the Calcutta Improvement Trust, the Calcutta Metropolitan Water Supply and Sanitation Authority, State Housing Board, etc., to finance or undertake the improvement of civic infrastructure can supplement the efforts of the Corporation as they have

done in the past. But the continuation of the existing pattern of fragmentation of otherwise highly interrelated civic functions amongst these more powerful state agencies and the existing areal base of the municipal corporation, will leave with it those range of functions that offer limited scope for the demonstration of significance and importance of the major reform attempt in the design of urban government particularly for metropolitan areas. The basic challenge before the new system, which is intended to attract better leadership than in the past, and articulate and strengthen the leadership role through restructuring the decision-making processes is to increase its revenue income. If the new system does succeed in getting a strong leadership for meeting this challenge, it would, however, soon discover that it must secure reordering of inter-organisational relationship within the Calcutta Metropolitan District, without which it would be difficult to build the credibility of the new system. One of the most crucial factors in the success of the Bombay Model is the dominant role of its Corporation in inter-organisational relationship within the Bombay Metropolitan Region. If the Mayor-in-Council system is to prove better than the Bombay Model, for the governance of metropolitan cities of India, it is doubtful whether it will get a fair opportunity to do so unless the existing conditions imposed by the more powerful state agencies undergo modifications favourable to its role. Nevertheless, the capacity of the new system to increase the revenue income of the Corporation of Calcutta, within the above constraints, will remain an important test of its success.

Another important characteristic of performance is the productivity in the use of resources mobilised. One of the indicators of this characteristic is the percentage of revenue income and expenditure spent on establishment. The data on total wages and salaries paid to all employees which constitute the establishment expenditure and the rate of its growth during the period 1960-61 to 1976-77 are given at Appendix II. It also gives the establishment expenditure as a percentage of revenue income and expenditure. It will be observed that in the case of Calcutta only, the establishment expenditure was in excess of the Corporation's total revenue income during 1970-71 (108.59 per cent) and 1975-76 (106.23 per cent). While in the case of Bangalore, Bombay, Ahmedabad, and Pune, the percentage of revenue income and expenditure spent on establishment varied from 27 to 45 per cent during the period 1960-76, in other municipal corporations, the variation has been from 45 to 108 per cent. Table 2 gives the comparative data for the year 1976-77.

While Delhi and Calcutta municipal corporations were spending a large proportion of their revenue income and expenditure on establishment, its rate of growth in 1976-77 over 1960-61 has been 897.99 per cent in Delhi as compared to 370.17 per cent in the case of Calcutta.

But Delhi had mobilised during the same period more resources than Calcutta; the increase in revenue income and expenditure being 791.00 per cent and 687.22 per cent respectively in comparison to Calcutta's 235.05 per cent and 259.34 per cent. Even if we recognise that civic services by their very nature involve higher establishment expenditure, it can thus be assumed that at the same proportion of establishment expenditure to revenue income and expenditure, there has been more expansion in the capacity to spend on civic services in Delhi *vis-a-vis* Calcutta.

TABLE 2 ESTABLISHMENT EXPENDITURE: ITS GROWTH AND RELATIONSHIP WITH REVENUE INCOME AND EXPENDITURE, 1976-77

	Establishment expenditure as a percentage of		Percentage increase of Establishment Expenditure over 1960-61 = 100
	Revenue Income	Expenditure	
1. Bangalore	34.43	34.29	1114.53
2. Bombay	35.91	45.81	915.68
3. Ahmedabad	37.27	32.80	782.15
4. Pune	42.44	37.49	727.96
5. Kanpur	60.55	50.14	347.60
6. Calcutta	88.37	65.95	370.17
7. Delhi	89.31	65.86	897.99
8. Madras* (1970-71)	50.27	47.34	314.54

\*In the case of Madras, the data given relate to the year 1970-71 and as such they are not comparable with those of other cities. For the relative position, the data for 1970-71 for other cities given in Appendix II should be relied upon.

The data on these performance characteristics during the period 1960-61 to 1976-77 do not conclusively suggest that the performance of the municipal corporations superseded or during supersession has been better than when not superseded or those not superseded. In fact, in the case of Calcutta, the supersession in 1972 had little subsequent effect on the grounds on which it was superseded. Three years after the supersession, the Commissioner of the Corporation observed that "Our financial position started deteriorating right from the time of supersession".<sup>15</sup> He further observes that the Calcutta Municipal Act of 1951 gives "by construction and theoretically most executive power to the Commissioner causing "centralisation for guarding against subversion of authority by the elected. In fact, the poor Commissioner is more vulnerable to union

<sup>15</sup>Samaddar, *op. cit.*, p. 29.

pressures, particularly, when the balancing factor of councillors is not available during supersession".<sup>16</sup> The Calcutta Corporation has highly politicised and unionised employees partly as a product of its own historical evolution discussed earlier and its impact on its internal management, partly aggravated by the changes in its political environments since 1951. The corporation structure under the Act of 1951, whether under supersession or not, apparently did not give it the capacity to deal with the power of the employees' unions, causing a major imbalance between the revenue income and establishment expenditure.

Personnel policies and practices shape and are shaped significantly by the employer-employee relations. Failure of the administrative system to evolve sound personnel management policies and practices lead to ad hocism in decision-making in response to specific pressures, throwing open the entire range of the personnel functions subject to collective bargaining. Stretched over a period of time, this trend could cause major distortions in the administrative structure and task systems within it, apart from creating a general climate of confrontation between the employees and their employer. In the case of a municipal corporation the question arises: who are the employers for the purposes of negotiation and settlement with the employees' unions on various issues having a bearing on the performance of the organisation? The Commissioner is the head of the administrative system. He may be assisted by a few officers, who like him, have been deputed by the state government to the Corporation. Rest of the officers may themselves be the beneficiaries of the collective bargaining process insofar as the demands relate to matters connected with recruitment, promotion, salary structure, etc. In the case of the Calcutta Municipal Corporation, the elected council or the Mayor could not risk the displeasure of the electorate in case of a strike by its employees paralysing the civic services crucial to day-to-day urban living. Nor its political and administrative structure offered strength to those engaged in negotiation with about eighty unions representing the municipal employees. While under supersession in 1974, the Commissioner, who was also entrusted with the powers of the deliberative wing, observed that: "The unions feel that only a bureaucrat in the shape of a Commissioner is standing between them and the goal of getting as much as possible by way of pay and allowance".<sup>17</sup> When he raised the question "To whom does Calcutta belong—the 33 thousand Corporation employees or the 33 lakh citizens?", the response of the unions he felt was that "the Corporation cannot exist without workers and employees . . . It is not the look out of unions whether rules and regulations exist or not, whether and how regulations are framed or amended . . .".<sup>18</sup> While

<sup>16</sup>Samaddar, *op. cit.*, p. 2.

<sup>17</sup>*Ibid.*, p. 2.

<sup>18</sup>*Ibid.*, p. 5.

the industrial relations went on deteriorating, prior to supersession and subsequent to it, conceding to the unions' demands after a strike or in order to prevent a strike, causing establishment expenditure to blow out of proportion to the capacity to mobilise additional income, there was no organised attempt within the internal management structure to put all the issues or ad hoc decisions in a proper perspective for better personnel management. Intriguingly, it were the employees' unions which demanded the setting up of a Personnel Department for this purpose and which eventually was set up in 1974. Instances are not few or confined to the Calcutta Municipal Corporation, when the failure of the administration to discharge its responsibility in regard to personnel functions had led to a series of demands on matter falling within the purview of this responsibility. Rules governing various aspects of recruitment, promotions, transfers, disbursement of benefits, and service conditions are meant to promote and provide norms for ensuring objectivity, impartiality and fairness in decision-making. Where such norms have not yet become the dominant values of social and individual conduct, the formal organisation has to cultivate them through adoption of the rules. Frequently, it is observed that while the allegations of widespread nepotism, favouritism and corruption are voiced, the rules are either not framed or updated or are discarded wherever possible to allow the maximum unbridled discretion to the decision-makers. The bases of decisions and the ad hocism which they inevitably invite, breed discontentment amongst employees and lend legitimacy even to those demands of the trade unions which are difficult to be rationalised.

#### THE BASES OF THE NEW STRUCTURE AND ITS SALIENT FEATURES

The potential of the new structure to influence significantly the performance characteristics of the Calcutta Municipal Corporation primarily rests on the following propositions which constitute the bases of its design:

- (i) The political structure should be such that: (a) it creates a leadership role which can effectively link the deliberative and executive wings; (b) the executive functions of the leadership role will attract elected councillors with a quality of skills and talents which is necessary for interest aggregation and for coherent and purposive policy, direction and control over administrative system; (c) the accountability structure does not inhibit the growth of leadership role and skills or excessively constraint their exercise, while it does not act as a corrective mechanism without giving the 'break-power' to the councillors

as witnessed under the previous legislations. It should thus be more performance-oriented than concerned with scrutiny of day-to-day administration, (d) by combining the political power and executive responsibility in a clearly identifiable and accountable body, the system will rely less on ad hocism created by impulses to meet immediate expediency and it will demonstrate better capacity for policy planning and implementation. It will also become politically effective to negotiate and settle relationship between the Corporation and its multitudes of employees' unions on a basis more favourable to the productivity in civic services.

- (ii) While the statutorily autonomous executive wing is detrimental to the development and functioning of local government, it still needs state's protection to discharge its role effectively. Moreover, there should be a congruence between the statutorily defined and functionally operative political and management structures.

The strength of these propositions is essentially derived from the historical experience of the working of the Calcutta Municipal Corporation in the past and implicit in them are the assumptions regarding the working of the new design envisaged under the Calcutta Municipal Act of 1980. It is in this context that substantial differences in the salient features of the old and the new system become apparent.

While in the earlier legislation, the Municipal Commissioner was one of the three statutory authorities, the other two being the Corporation and the Standing Committee, the authorities are now the Corporation, the Mayor-in-Council and the Mayor (Sec. 3). Thus, the various Committees which caused the fragmentation of the management structure and the autonomous character of the executive wing, derived from the recognition of the Municipal Commissioner as one of the statutory authorities, disappear in the new system.

The Mayor-in-Council comprises of a Mayor to be elected by the Corporation from amongst themselves (Sec. 6), and a Deputy Mayor and not more than ten other elected members of the Corporation to be nominated by the Mayor (Sec. 8). The deliberative wing is to be headed by a Chairman to be elected by the Corporation from amongst its elected members. Thus, Mayor is no longer the head of the deliberation wing. The executive powers of the Corporation which earlier vested in the Municipal Commissioner are now to be exercised by the Mayor-in-Council (Sec. 32) which is to be collectively responsible to the Corporation (Sec. 8). The major instrument of ensuring the collective responsibility, however, is through the passing of a resolution by the Corporation in accordance with Sec. 7 for removing the Mayor from

office. The main stress is, thus, on the accountability of the Mayor, even though a wide range of powers vests in the Mayor-in-Council. To strengthen the leadership role of the Mayor, it is required that the Mayor-in Council is to be presided over by him (Sec. 34) and he is empowered to allocate the business to the members in the Council as he thinks fit (Sec. 33). He can remove from office any of the members in the Council including the Deputy Mayor (Sec. 9), and he can fill any vacancy caused by the death, resignation and by removal of any member (Sec. 8). If a Mayor ceases to hold office, the newly elected Mayor constitutes his own Council (Sec. 9). The term of the Mayor and his Council is coterminus with the full term or the unexpired term of the Corporation.

While the Municipal Commissioner was an independent authority in the earlier legislation to ensure that the executive administration did not suffer from a diffused accountability structure and a fragmented leadership role, in practice, however, the committee system of the political structure caused its extensive fragmentation. Both the Committees and the Municipal Commissioner could not simultaneously assert their leadership role without causing friction and, at times, paralysis in the working of the Corporation in the absence of conventions which could act as lubricant of goodwill. Since the executive powers vest in the Mayor-in Council, the Municipal Commissioner, though recognised as the principal executive officer of the Corporation, is to exercise his powers subject to the supervision and control of the Mayor (Section 38). The accountability of the Municipal Commissioner to the Mayor and not to the Mayor-in-Council is again intended to strengthen his leadership. On the other hand, all those Standing Committees which functionally fragmented the executive management do not appear in the new design. The Act provides for a Municipal Accounts Committee to examine and scrutinise the accounts of the Corporation and the report of the auditors. However, Borough Committees are now statutorily established and assigned certain obligatory functions. The Corporation has, therefore, to evolve a decentralised pattern of executive administration.

The top echelons of the Corporation's organisation are statutorily specified. The Bill provides that the Corporation shall have the following officers, namely: (a) the Municipal Commissioner, (b) Joint Commissioners, (c) the Controller of Municipal Finance, (d) the Chief Municipal Auditor, (e) the Municipal Engineer-in-Chief, (f) Deputy Municipal Commissioners and Chief Municipal Engineers. (g) the Chief Municipal Architect, (h) the Chief Municipal Health Officer, (i) the Chief Municipal Law Officer, and (j) the Municipal Secretary. The Municipal Commissioner, a Joint Municipal Commissioner, the Controller of Municipal Finances and the Chief Municipal Auditor are to be

appointed by the State Government in consultation with the Mayor-in-Council from amongst persons who are or have been in the service of the government. Other officers are to be appointed by the Mayor-in-council in consultation with the State Public Service Commission or by the State Government, if so desired by the Mayor-in-Council, from amongst persons who are or have been in the service of the government (Section 13). All these statutorily provided officers do not, however, constitute a part of the establishment of the Corporation (Section 16) which comprises of all officers and employees, excluding those appointed as above, divided into four categories, viz , 'A', 'B', 'C' and 'D' on the bases of the scales of pay of the posts. The appointing authority in the case of officers and employees comprising the establishment of the Corporation vests in the Municipal Commissioner or officers subordinate to him (Section 17). The appointments to categories 'A' and 'B' posts are to be made on the recommendation of the Municipal Service Commission (Section 18). Service regulations governing the method of and the qualifications required for recruitment to all categories of posts and terms and conditions of service, are to be made by the Corporation (Section 16) subject to the approval of the State Government (Section 547). The Mayor-in-Council enjoys, therefore, a greater degree of influence on personnel matters even though the important positions are to be manned by officers appointed by the State Government and enjoying its protection. With a dominant Mayor-in-Council under the new scheme of relationship, there will be few impulses amongst such officers for autonomy, the scope of which was substantially large under the earlier legislation and the nature of state control therein on the executive administration. While a greater degree of congruence is sought between the functional aspects of political and administrative structures, two important features of the new design crucial to its achievement are noticeable. They are: (a) the distribution amongst and the manner of transaction of business of the Corporation by the members of the Mayor-in-Council and the consequent linkages with the executive administration, and (b) the Borough Committees and their functional links with political and administrative structure at the headquarter level. It is expected that the influence of these aspects, however, will be shaped by the enlarged but specified leadership role of the Mayor within the broader framework of the new design of the organisation under the Calcutta Municipal Act of 1980.

#### CONCLUSION

Structural changes envisaged under the Calcutta Municipal Corporation Act, 1980, represent a bold new experiment in the history of urban local government in India. The extensive reorganisation of



political and administrative authority structure is expected to alter substantially the institutional processes and behaviour for better performance of the Corporation than has been the case under the previous legislations. The leadership role of the Mayor and the Mayor-in-Council is the most critical component of the whole new design. How far it is allowed to develop by the State Government and by the political and the socio-economic environment of the city, would eventually determine its prospects in securing positive changes in the performance characteristics not only of the Calcutta Corporation but also of a large number of municipal corporations in India which are under supersession on the ground of their poor performance and looking towards it as a remedial model. □

## Appendix I

GROWTH OF REVENUE INCOME AND EXPENDITURE\*  
(1960-1977)

City/Year	(Figures in thousands)			
	Total Revenue Income†		Total Revenue Expenditure	
	Income	Percentage of Growth over 1960-61	Expenditure	Percentage of Growth over 1960-61
(1)	(2)	(3)	(4)	(5)
<b>I. Ahmedabad</b>				
1960-61	40,331	100.00	35,893	100.00
1970-71	101,024	250.49	105,876	294.98
1975-76	204,551	507.19	209,136	582.67
1976-77	230,230	570.86	261,591	728.81
<b>II. Bangalore</b>				
1960-61	25,907	100.00	20,303	100.00
1970-71	63,581	245.42	74,540	367.14
1975-76	137,253	529.79	134,480	662.36
1976-77	153,676	593.18	149,820	737.92
<b>III. Bombay</b>				
1960-61	164,664	100.00	158,394	100.00
1970-71	699,731	424.94	535,244	337.92
1975-76	1,078,039	654.69	1,158,337	731.30
1976-77	1,451,474	881.48	1,137,945	718.43
<b>IV. Calcutta</b>				
1960-61	61,074	100.00	74,177	100.00
1970-71	88,735	145.29	147,846	199.31
1975-76	131,223	214.86	200,185	269.87
1976-77	143,569	235.05	192,373	259.34
<b>V. Delhi</b>				
1960-61	43,528	100.00	66,961	100.00
1970-71	220,692	507.01	265,619	396.68
1975-76	344,885	792.33	408,158	609.54
1976-77	344,308	791.00	466,866	697.22

(Continued)

	(1)	(2)	(3)	(4)	(5)
<b>VI. Kanpur</b>					
1960-61	16,708	100.00	18,623	100.00	
1970-71	25,780	154.30	37,213	199.82	
1975-76	54,158	324.14	66,066	351.75	
1976-77	58,418	349.64	70,553	378.84	
<b>VII. Madras</b>					
1960-61	42,438	100.00	44,254	100.00	
1970-71	119,908	282.55	127,322	287.70	
1975-76	—	—	286,313	646.97	
1976-77	—	—	365,163	825.15	
<b>VIII. Pune</b>					
1960-61	15,490	100.00	17,597	100.00	
1970-71	51,021	329.38	56,367	320.32	
1975-76	102,882	664.18	122,107	693.90	
1976-77	111,111	717.31	125,764	714.69	

SOURCE: \* *Statistical Abstract: India*, New Series, No. 23, Central Statistical Organisation, Ministry of Planning, Government of India, New Delhi, 1978, pp. 595-626.

† Total Revenue Income includes Tax Revenue and Non-Tax Revenue as defined in the 'Source' at p. 595.

## Appendix II

## GROWTH OF ESTABLISHMENT EXPENDITURE\*

(Figures in thousands)

City/Year	Total expenditure in wages and salaries		Establishment expenditure as a percentage of	
	Expenditure (in thousands)	Percentage Growth over 1960-61	Revenue Income	Expenditure
(1)	(2)	(3)	(4)	(5)
I. Ahmedabad				
1960-61	10,971	100.00	27.20	30.57
1970-71	33,562	305.91	33.22	31.70
1975-76	70,371	641.42	34.40	33.65
1976-77	85,810	782.15	37.25	32.80
II. Bangalore				
1960-61	4,610	100.00	17.79	22.70
1970-71	20,076	435.49	31.58	26.93
1975-76	43,180	936.66	31.46	32.11
1976-77	51,380	1114.53	34.43	34.29
III. Bombay				
1960-61	56,926	100.00	34.57	35.94
1970-71	244,719	429.87	34.97	45.72
1975-76	486,928	855.32	45.17	42.04
1976-77	521,289	915.68	35.91	45.81
IV. Calcutta				
1960-61	34,275	100.00	56.12	46.21
1970-71	96,358	281.13	108.59	65.17
1975-76	139,392	406.69	106.23	69.63
1976-77	126,876	370.17	88.37	65.95
V. Delhi				
1960-61	34,243	100.00	78.67	51.14
1970-71	135,914	396.91	61.59	51.17
1975-76	279,812	817.14	81.13	68.55
1976-77	307,500	897.99	89.31	65.86

(Continued)

	(1)	(2)	(3)	(4)	(5)
<b>VI. Kanpur</b>					
1960-61	10,175†	100.00	60.90	54.64	
1970-71	22,128	217.47	85.83	59.46	
1975-76	31,946	313.90	58.99	48.35	
1976-77	35,373	347.06	60.55	50.14	
<b>VII. Madras</b>					
1960-61	19,162	100.00	45.15	43.30	
1970-71	60,274	314.54	50.27	47.34	
1975-76	—	—	—	—	
1976-77	—	—	—	—	
<b>VIII. Pune</b>					
1960-61	6,477	100.00	41.81	36.81	
1970-71	18,040	278.52	35.36	32.00	
1975-76	43,049	664.64	41.84	35.26	
1976-77	47,150	727.96	42.44	37.49	

SOURCE: \*Data derived from *Statistical Abstract: India*, New Series, No. 23, Central Statistical Organisation, Ministry of Planning, Government of India, New Delhi, 1978, pp. 595-626.

†This figure has been derived by working out the average rate of growth of expenditure and tested against the average rate of growth of establishment expenditure during this period since the actual figures for the year 1960-61 were not available.

# MAYOR-IN-COUNCIL: PROSPECTS FOR THE FUTURE

M.K. MOITRA

THE MAYOR-IN-COUNCIL is yet to be tried out as a system. Introduced in the Calcutta Municipal Corporation Act, 1980, this system seeks to replace the earlier concept of separation of powers between the deliberative and the executive wings of the corporation. It is difficult to discuss the prospects of the system which is yet to be put into effect. The attempt in this paper will, therefore, be to trace briefly the development of municipal administration in India in the three metropolitan cities—Calcutta, Bombay and Madras—from the middle of the 19th century and to consider in that background the salient features of the Calcutta Municipal Corporation Act, 1980, introducing the mayor-in-council. Thereafter, the question of its replicability has been considered at two levels—at the level of day-to-day municipal administration and critical issues likely to influence this, and secondly, at the conceptual level of introducing the system as a whole.

The mayor-in-council system can be said to be the culmination of more than a century's old debate on the so-called dichotomy between administrative efficiency and popular representation. In terms of reconciling the earlier imbalance created due to the separation of the executive and the deliberative wings, with full executive powers vested in an individual appointed by the state government, the introduction of mayor-in-council system is a step forward in ensuring that the power of decision-making in respect of implementing the various functions lies with the political executive, elected on the basis of popular representation.

Since considerations of the various issues which will affect the prospects of working of the mayor-in-council system in this country will depend on several factors, it would be premature at this stage to make any prediction about its working. Nevertheless, it would perhaps be possible to identify some areas of critical concern which would have to be watched carefully in future to try and consider its success or otherwise. In terms of its replicability to other cities, the other main point is the acceptance of the principle of unification of the deliberative and executive wings of the municipal corporation through the introduction of the mayor-in-council system. Despite local differences, it is presum-

ed that the basic framework of the municipal administration will remain unaltered in the cases of cities and towns in India.

Since the ultimate source of authority for the municipal Acts in India is the state government, actual functioning of the municipal corporations of these metropolitan cities would really depend on the political will of the state government. That the mayor-in-council system is the most preferred one amongst the elected municipal representatives is clear from the resolution of the All-India Council of Mayors, and the recommendations made in the Report of the Study Group on the Constitution, Powers and Laws of Urban Local Bodies and Municipal Corporations.

### HISTORICAL PERSPECTIVE

The 1842 Act in undivided Bengal enabled "the inhabitants of any place of public resort or residence to make better provision for purposes connected with public health and convenience". Between 1871 and 1873, elective memberships were introduced in the municipal corporations. The famous 1882 resolution of Lord Ripon introduced local self-government through partly elected representatives. Lord Ripon in his resolution of 1882 held that "It is not with a view to improvement in administration that this measure is put forward and supported. It is chiefly desirable as an instrument of popular and political education."

Commencing from 1856, the municipal Acts of Calcutta, Bombay and Madras gradually emerged into a system where the concept of separation of powers was firmly entrenched. So far as Calcutta is concerned, the municipal administration was vested in 1863 in a corporation consisting of justices of peace, while the executive authority was vested in the chairman, who was also the commissioner of the police. The Municipal Act, 1876, introduced the system of election of two-third of the councillors. Subsequently, the percentage of elected representatives was reduced to 50 per cent in 1882 and further reduced under the 1899 Act. The Bombay Municipal Corporation Act of 1865 also constituted a corporate body of 500 justices of peace with the executive power vested in the chairman, who was a government official. Madras continued with the councillor-oriented system till 1867 where nominated councillors replaced the elected councillors. In 1904, the Madras Act was promulgated on the model of the Calcutta Act of 1899. The 1899 Act of Calcutta was replaced by the famous 1923 Act drafted by Sir S.N. Banerjea. The main emphasis of 1923 Act was to restore the elected representation for the city corporation and local self-government was seen to be a precursor of 'National Self-Government'. However, the principle of separation of powers between deliberative

and executive wings was not altered. The 1951 Calcutta Municipal Act replaced the 1923 Act vesting all the executive power with the commissioner, to be appointed by the state government. This Act recognises the commissioner as representing the municipal corporation as a whole.

The Bombay and Madras municipal corporations also continued the concept of a strong commissioner with the executive wing separated, headed by the commissioner, from the elected representatives. The mayor continued to be a ceremonial figure head working mostly as the presiding officer in the meetings of the corporation.

It is interesting that Lord Ripon while introducing the local self-government considered the administrative efficiency as something separate from the popular representation. The objective of introducing the local self-government was more for the latter. In the post-independence era, one of the underlying principles of separation of deliberative and executive wings appears to be that of doubt about the competence of the elected representatives to perform the executive functions of municipal administration in the best interest of the cities concerned. It is also likely that the state governments wanted to retain a very firm hold on the municipal corporations of the capital cities through the commissioners selected by them, which would be expected to work as check in the eventuality of a politically hostile elected municipal corporation.

If it is to be accepted that the elected representatives in any representative form of government should be the ultimate source of executive authority, this approach of the state government in continuing with the separation of powers between the elected and the executive wings appeared to be inconsistent with this principle.

#### **CALCUTTA MUNICIPAL CORPORATION ACT, 1980** **—SALIENT FEATURES**

The three authorities of the Calcutta Municipal Corporation Act, 1980 are : (a) The mayor, (b) the mayor-in-council, and (c) the corporation (with its borough committees). The commissioner and the municipal secretary are the two important functionaries amongst the officials. The mayor will be the chief executive and the leader of the team in the mayor-in-council. To understand the implications of the working of the mayor-in-council system, it is necessary to understand the extent of interactions likely between these constituents of the system. Of these, the most important one is the interaction between the mayor-in-council and the borough committees members which are expected to function under the general supervision and control of the mayor-in-council, but at the same time, the borough committee members as



councillors would be free to discuss and raise any issue in the corporation. The statute has also laid down the functions of the borough committee. Being closer to the people the borough committee which would be expected to look after most of the house-keeping work, will have to interact more intimately with the rate-payers. The mayor-in-council being concerned with the broader issues may not be able to respond to the immediate day-to-day needs of the citizens. The rate-payers would expect the members of the borough committee, as their representatives, to act as a pressure group within the corporation set-up. The framers of the statute perhaps had in mind while forming the borough committee as the deliberative body entrusted with statutory functions at a level closest to the people. It is probably intended to be used as a check on the mayor-in-council functioning in an isolated manner from the rate-payers. In the normal course this should not create a problem for growth of a harmonious relationship between the mayor-in-council and the borough committee. However, there would always be a possibility of a conflicting relationship growing up on occasions specially when the borough committee, though put in a position subservient to the mayor-in-council, has been entrusted with certain statutory function even when a particular borough committee would be dominated by political parties other than the party in power. The other important point is that the corporation employees at the level are accountable to the borough committee. At the same time, they as corporation employees are accountable to the commissioner, who in turn is accountable to the mayor.

The role of the borough-level employees and the functioning of the borough committee, including the manner of carrying out its responsibility, should be clearly spelt out in the rules of business for the borough committee. However, despite the best of attempts, areas of overlapping jurisdictions might create problems in certain cases especially when each and every member of a borough committee is also a member of the corporation. Every councillor would have to function wearing two hats. The question is which hat would prove to be more precious. Possibilities are that borough-level problems, if not sorted out within the borough committee or with the mayor or the mayor-in-council, will travel up to the corporation debates. The other important point for consideration is that the commissioner is accountable to the mayor and not the mayor-in-council and the corporation employees are in turn accountable to the commissioner. In such a situation, it is difficult to visualise a system where an individual member of the mayor-in-council interact directly with his principal executive officers responsible for the departments under his charge and yet, without such a situation, it is difficult to accept smooth functioning of the mayor-in-council system working on the basis of collective responsibility. The mayor, under

such circumstances, would enjoy a privileged position as the statute gives him complete authority to assume full control of the executive functions disregarding his councillor colleagues and the borough committees. In the normal course this need not happen but the possibilities of occasional abnormal situations should also be taken into account.

The other grey area in the functioning of the system is the interaction between the municipal secretary and the municipal commissioner. It is interesting to note that the commissioner, as the custodian of all municipal records is not the custodian of the records of the mayor-in-council or of the corporation. Such a function has been vested in the municipal secretary, as the secretary to the corporation. It is presumed that this check and balance is an attempt to control the executive wing in the corporation. However, it has to be remembered that the corporation does not deliberate on legislative issues but on matters pertaining to municipal functions whose ultimate instrument of implementation is the executive wing. In such a situation, the dual functions of the municipal secretary envisaged in the Calcutta Municipal Corporation Act, 1980 are likely to lead to conflict situations.

The major areas of critical concern, therefore, are the mayor-in-council and borough committee relationship, the relationship between the borough committee and borough employees *vis-a-vis* the commissioner, the mayor and the mayor-in-council, the mayor functioning through the commissioner, the conflict potential due to the dual role of the municipal secretary and locating the centre of executive accountability at the mayor's level. Amongst all these areas, the most critical are the functioning of the borough committee *vis-a-vis* borough level employees and the mayor functioning through the commissioner. It has to be remembered that the instruments of executive action are permanent executive and the employees of borough-level will be required to respond to the dictates emanating from the two levels. This would become all the more difficult when it would be difficult to identify distinct borough-level functionaries for many of the corporation departments. Except for the district engineer and the district conservancy officer, other borough level department officers are not easily identifiable. The administrative structure does not, therefore, conform to the concepts of the Calcutta Municipal Corporation Act, 1980. This is a vital issue on which the smooth functioning of the mayor-in-council system would depend.

The entire administration set-up in the Calcutta Corporation is highly centralised where the functioning of the borough committee is based on the principal of decentralisation of municipal functions. The attempt should, therefore, be made to set up the administrative structure in harmony with the statutory requirement. In Bombay where

there are local-level deputy commissioners with considerable amount of decentralisation, such a system has a better chance of functioning smoothly.

The Madras Municipal Corporation's administrative structure is somewhat similar to that of the Calcutta Corporation having highly centralised set-up with all the sources of authority emanating from the central municipal office and all executive authority originating from the commissioner. There are no regional officers for coordinating inter-departmental actions. Considered in that background, problems similar to Calcutta would arise in the event of the introduction of the Calcutta-type mayor-in-council also in Madras having a centralised municipal administration.

The functions of borough committee assume importance because at this level definite obligations have been imposed without considering the question of administrative set-up to match these expectations. Similarly, the inter-relationships between the central municipal office and the borough would have to be clearly defined to ensure that the two-tier structure as envisaged in the new Calcutta Municipal Corporation Act, 1980, work smoothly. The introduction of the Calcutta Municipal Corporation Act, 1980, would have to be matched with other appropriate actions to reorganise the structural pattern of the Calcutta Corporation.

#### PROSPECTS FOR THE FUTURE

The idea of integrating the deliberative and the executive wings amongst the local bodies is not new in India. In smaller towns and cities, the elected chairman exercises the executive powers. Executive officers, as and when appointed in the municipalities with elected representatives, work under the direction of the municipal chairman.

In the rural areas, with the extension of panchayati raj system, a very large and complex developmental process has been vested with the elected representatives with full powers and the authority of management of development projects. In many of the states, the zila parishad handles large budget and manages developmental programmes involving several departments and disciplines working through the executive wings headed by the chief executive officer functioning like the commissioner in the municipal corporations. The chairman of the zila parishad, like the corporation mayor, functions as the speaker of the council. The same scheme of executive organisation is followed in the anchal parishad and the gram sabha. Whereas some state governments have considered it prudent to vest the elected panchayat representatives with full powers of implementing their own developmental programmes; it has to be considered as to what deters them from following the similar

course of action as in the metropolitan cities in the country, especially in the zila parishad.

The other factor in this case is the political considerations of having a municipal administrative set up controlled by the state governments through its authority of appointing the commissioner on whom all the executive powers have been vested. The state governments have full authority to supersede all the elected municipal bodies in India. Financially all the municipalities are fully dependent on the state governments both for their wages as well as for their development programmes. The question is why, despite the fact that state governments having full control over functioning of the municipal authorities, they are keen to keep an additional check by nominating an executive head free from the elected representatives.

The liberal ideas of Sir George Campbell, who visualised that "Bengali House of Commons" would evolve from local institutions such as the Calcutta Corporation, and his successor Sir Richard Temple who introduced a Bill between 1874 to 1877 "to replace the system of municipal administration by justices of peace with a largely rate-payer elected municipal corporation" were substituted by 1899 Act with considerable reduction in the percentage of elected representatives and increase in the number of nominated representatives justified on grounds of transacting business of the town 'in a businesslike manner'. The 1951 Act also introduced the office of the commissioner, appointed by the state government, who would be the kingpin of local government for Calcutta and not be subjected to control of the elected representatives. The underlying precept seems to be that the exposure to the elected representatives would seriously impair the administrative efficiency of the executive wing.

The major consideration connected with the question of introducing mayor-in-council is the political will at the state level. The functioning of the municipalities ultimately depends on the state legislature and state legislators have always been reluctant to confer executive powers on the elected representatives in the local authority set-up in the larger cities. In a parliamentary democracy, this is clearly a reflection on the desideratum for a political executive. The Report of the Study Group on the Constitution, Powers and Laws of Urban Local Bodies and Municipal Corporations considered the various forms of municipal governments, namely, the city manager plan (CMP), the strong mayor plan (SMP), and the mayor-in-council (MIC) plan. Both the CMP and the SMP are in operation in the USA with the largest cities more or less functioning under the SMP and the medium-size cities on the CMP. An independent source of statutory authority vested in the municipal commissioner in the municipal corporation set-up (and also replicated in the zila parishads) is a unique feature in India not prevalent in any other democratic country in the world.

The mayor-in-council relies more on collective responsibility and is somewhat similar to the cabinet form of government (though not its exact duplication). If the major city governments have to function as another level of government with definite powers and functions as in the case of the state government, the attempt should be to confer such powers and authorities, including financial autonomy, to these city governments.

Thus the success or failure of an autonomous municipal government at the city level would depend ultimately on the political will of the party in power in a particular state and all other considerations would be secondary. Even while introducing the MIC system through the Calcutta Municipal Corporation Act, 1980, the authority of the state government was not completely eradicated. The financial control and the authority to sanction scheme about particular sum continue to be vested in the state government. Under such a system, the municipal governments would function at the mercy of the state governments and MIC system would be merely a superior form of administrative arrangement.

### CONCLUSION

Summing up, therefore, the following points emerge:

- (i) That the debate between the good government and self-government in the city corporations as continuing since the last century is still relevant in Indian conditions;
- (ii) Historically the smaller towns in the country have been allowed much greater administrative autonomy where the integration of the political and the executive wings was introduced much earlier;
- (iii) The MIC system and its introduction would depend very much on the political will of the party in power in a particular state;
- (iv) The administrative structure of a particular city should be harmonious with the structure of the MIC system and the other functionaries as envisaged in the new Calcutta Municipal Corporation Act, 1980;
- (v) Introducing the MIC system would have to be matched with the delegation of other powers, both financial and administrative; and
- (vi) The introduction of the MIC system is the logical extension of the idea of vesting executive powers on the elected representatives.

Over the last few years, a number of state governments have set up

Municipal Finance Commissions to recommend a grants structure for the different municipal bodies and to evolve a system of sharing of revenue between state governments and the municipal bodies. In some cases, formation of regular Municipal Finance Commissions have been suggested. This, coupled with the fact that some have suggested that municipal form of government should be included in the Indian constitution with allocation of subjects as in the State and Union Lists, is an indication of a greater awareness about the need for introducing much greater level of autonomy in the municipalities and corporations. Enactments introducing the MIC system is just a beginning of the process. However, the enactments would have to be followed by other administrative actions including conferring greater financial and administrative authority. □

# MUNICIPAL MANAGEMENT STRUCTURE: A RECURRENT PROBLEM REVISITED

ASOK MUKHOPADHYAY

THE STRUCTURE of urban government in India has been subjected to a series of inquiries, both official and academic, during the last two decades. The varieties of management structures adopted in different parts of the country for governing urban India have invited such inquiries from time to time. The latest inquiry in this field has been done by a Study Group which was appointed in 1980-81 by the Union Ministry of Works and Housing to go into the issue of constitution, powers and laws of urban local bodies and municipal corporations. Its Report<sup>1</sup> has been formally accepted by the Twentieth Meeting of the Central Council for Local Government and Urban Development and endorsed by the Executive Committee of the All-India Council of Mayors in January 1983. One is tempted to look into its recommendations on the issue of management structure for urban government because of the topicality, as well as urgency, involved in the matter of devising a suitable pattern of management for the whole range of urban local governments in the country.

## TRADITIONAL STRUCTURE

Traditionally urban India is managed through four types of governmental institutions, viz., municipal corporations, municipalities (or municipal councils), town area committees, and cantonment boards, depending on the size of population, financial resources and character of the human settlement *vis-a-vis* the level of urbanisation achieved in the locality. Of these four types, the first two are more important in the sense that the form of municipal corporations is usually given to the big cities, and most of the urban settlements are given a municipality form of management structure. The other two institutional forms of management are rather exceptions, so to say. Town area committees are generally meant for very small townships

<sup>1</sup>Report of the Study Group on Constitution, Powers and Laws of Urban Local Bodies and Municipal Corporations, Ministry of Works and Housing, Government of India, New Delhi, 1983.

or newly emerging townships which are to be eventually upgraded to municipalities in course of the urbanisation process, whereas a cantonment board is a special kind of urban governmental institution functioning directly under the control of the Union Defence Ministry in the military-controlled urbanised areas. Thus, urban India typically has two major patterns of management structure, namely, the municipal corporation and the municipality: the former enjoys more administrative and financial powers than the latter, and a municipality can be upgraded into a municipal corporation whenever the state government so decides.

In India the municipal corporation form of management structure has basically followed from the model of urban management structure tried out for the first time in the Bombay Municipal Corporation Act, 1888. The chief feature of this form of management structure is the bifurcation of deliberative and executive functions: the first in charge of an elected council headed by its chairman called the mayor and its committees, and the second in charge of an executive officer, known as the commissioner, drawn from the service of the state (provincial) government.

In the municipal council form of management structure, on the other hand, there is a fusion of deliberative and executive functions. The presiding officer of the elected municipal board, called the chairman/president, exercises both deliberative and executive powers, and the executive officer, who belongs to the state (provincial) service, functions nominally under the supervision and control of the chairman/president but exercises certain powers statutorily given to him.

#### RURC REVIEW

The Rural-Urban Relationship Committee (RURC), appointed in 1963 by the Ministry of Health and Family Planning,<sup>2</sup> Government of India, had *inter alia* addressed itself to the problem of management structure for the urban local bodies. For the bigger municipalities the RURC preferred the separation of policy-making from the executive functions, and recommended the setting up of some sort of a standing committee (called coordination and finance committee) which would consist of the mayor-chairman, chairmen of the functional committees plus a few members chosen by the council, and would prepare budget estimates, supervise all financial matters and coordinate the activities of different municipal departments.<sup>3</sup> The RURC

<sup>2</sup>This ministry was, at that time, in charge of municipal administration and urban community development.

<sup>3</sup>*Report of the Rural-Urban Relationship Committee*, Vol. I, Ministry of Health and Family Planning, Government of India, New Delhi, June 1966, p. 61, para 7.25.



also suggested strengthening of the position of the mayor.<sup>4</sup>

#### THE DELHI BILL OF 1966

An alternative pattern of management structure, called the mayor-in-council system, was proposed for Delhi Municipal Corporation in a draft bill drawn up in 1966. It provided that :

- (a) The mayor is to be elected by the elected councillors from among themselves;
- (b) The mayor-in-council is to consist of the mayor and two deputy mayors to be appointed by the administrator (*i.e.*, Lieutenant-Governor) from among the councillors on the advice of the mayor;
- (c) The mayor-in-council is to exercise executive powers; and
- (d) With the approval of the administrator, the mayor-in-council is to appoint the commissioner as the chief executive officer who would work under the supervision and control of the mayor-in-council.

Parliament did not have the opportunity to consider this draft bill because of the intervening general elections in 1967 and subsequent developments in national politics.

#### IIPA STUDY

The wide variations in the management structure and also in the administrative and financial powers of municipal corporations and municipalities drew the attention of the Sixth Conference of the All-India Council of Mayors in 1967. At the request of the concerned ministry of the Government of India, the National Centre for Training and Research in Municipal Administration (since renamed as the Centre for Urban Studies) at the Indian Institute of Public Administration, New Delhi, studied the problem of management structure in municipal corporations. Its Report was prepared in 1971, and it contained proposals for a model legislation for the municipal corporations.<sup>5</sup> The IIPA Report considered three models of municipal management structure, *viz.*, (i) the mayor-in-council, (ii) the strong mayor, and (iii) the council-manager. It was felt that under the first and second patterns of management structure there would be scope for committees;

<sup>4</sup>*Report of the Rural-Urban Relationship Committee*, p. 69, para 7.48.

<sup>5</sup>*Proposals for Model Legislation for Municipal Corporations*, Indian Institute of Public Administration, New Delhi, 1977.

especially the second pattern would have a steering committee for the larger council. There could be functional committees, and also zonal/circle committees in metropolitan cities. The study by the IIPA recognised the consultative role of committees irrespective of the executive structure of urban government. With the mayor-in-council or the strong mayor, the committees would have policy-forming and advisory functions. As the choice of any one of these systems would necessarily have to be a political one, the IIPA Report quite understandably desisted from making a specific recommendation in favour of any one of the alternatives considered.

#### RESTRUCTURING IN SMALL AND MEDIUM TOWNS

So far as the small, medium or intermediary urban settlements are concerned, their management structure has surprisingly remained unchanged for decades. In spite of intermittent proddings by the union government for reorganising the management structure of urban government, few state governments have made any attempt in this direction. After independence, only the state governments of Uttar Pradesh and Madhya Pradesh made some attempts to introduce a sort of presidential form of management structure in the governance of small and medium towns by providing for direct popular election of the municipal chairman. But as the reforms proved abortive in both the states, they soon reverted back to the traditional system.<sup>6</sup>

The Maharashtra Government also tried to reorganise the municipal management structure through its Municipal Act of 1965 as amended in 1966. It provided for a strong Standing Committee consisting of the municipality's president along with the chairmen of subjects committees and three other councillors elected by the council. Most recommendations of subjects committees and all financial and establishment matters were to pass through this standing committee. The idea was to strengthen the position of the president in the decision-making process of the municipality. This reform was, however, undermined in practice by frequent resort to the no-confidence motions against the president. Maharashtra had another reform introduced in 1974 providing for direct popular election of the municipal president. The UP Government's Ordinance of 1976 also provided for direct popular election of municipal presidents. Both these experiments, again, proved unsatisfactory. Hostilities between the municipal president and his council, both being separately elected, proved a stumbling block in improving municipal management. Both

<sup>6</sup>Mohit Bhattacharya, *Essays in Urban Government*, Calcutta, World Press, 1970.

the states again reverted back to the traditional practice of the municipal council electing its own president, and executive responsibility being divided between the elected president and the career administrative head, called the executive officer.

#### RECOMMENDATION OF THE TASK FORCE

Towards the end of 1975 the union ministry of works and housing appointed a Task Force on Planning and Development of Small and Medium Towns and Cities. The Report of this Task Force,<sup>7</sup> which came out in early 1977, *inter alia* dealt with the question of a suitable management structure for the small and medium towns and cities. The Task Force considered three possible alternatives about the management structure of small and medium towns and cities:

- (i) The president/chairman being given all executive powers of enforcement, sanction and appointments—as in the case of strong mayor system in the USA;
- (ii) The executive officer/commissioner being vested with full executive authority, answerable to the full council, and the elected president being the presiding officer and a possible link between the executive and the deliberative wing; and
- (iii) The president and one or two vice-presidents selected by him from amongst members functioning as a mini-cabinet jointly responsible to the council for all executive work and management of municipal services.

The first and third alternatives obviously presumed that elected presidents/chairmen would be wholetime salaried executives. But the tradition and practice in municipal government in India has insisted on voluntary and honorary service on the part of elected representatives. Because of the difficulty involved in finding out in small and medium towns and cities persons willing to give up their jobs/business/professions for taking up municipal management for a specified term, and also because of the possibility of factionalism in local politics *vis-a-vis* local pressure groups leading to frequent use of no-confidence motions and thereby creating instability in municipal government, these two alternatives were not deemed acceptable.

On the other hand, the second alternative was found more acceptable to the Task Force on the grounds that it reconciles account-

<sup>7</sup>*Report of the Task Force on Planning and Development of Small and Medium Towns and Cities*, Vol. I, Ministry of Works and Housing, Government of India, New Delhi, 1977.

ability of the executive officer to the elected council with a high degree of professional management, less disturbed by political interference in the day-to-day execution of policies. The Task Force, however, desisted from clearly recommending any of these alternatives for acceptance. Instead, it underlined two conditions as essential, viz., (a) the accountability of the chief executive, elected or career, to the municipal council; and (b) the development of professional competent cadres to build up expertise, specialising in urban management. The importance of these two pre-conditions of a sound management structure of urban government can be realised in view of the fact that almost in all the states of India the capital works in respect of major roads, water supply and sewerage have to be carried out by state government agencies, which do not accord priority to municipal works and are in no way answerable to the municipal authorities. The long-term consequence of this system is that municipal officials at senior levels not only do not grow in their competence but remain unprepared for shouldering major management responsibility.

Urban planning and development is a very challenging and difficult area of administration requiring a specialist cadre with requisite training in building up infrastructural facilities for urban development. More and more specialised development authorities are being created and vested with powers of planning and development. Municipal government, on the other hand, is being relegated to the back seat in the task of urban management. The rising demand for greater participation in city government by the people's representatives and the palpably falling standard of efficiency of service delivery systems under nominated improvement trusts and development authorities during the last two decades in India worked together to give rise to the necessity of reform in the management structure of urban government, both in the big cities as well as in smaller towns.

#### REFORMS IN WEST BENGAL

The issue of structural reforms in municipal government again came to the limelight when West Bengal's Left Front Government proceeded to legislate for Calcutta and Howrah municipal corporations on the basis of the mayor-in-council model suggested by the IIPA Study. While introducing the Calcutta Municipal Corporation Bill in the state assembly on April 29, 1980, the minister observed:

'Corruption and maladministration in Calcutta Corporation, in my opinion, are the external symptoms, only of a deeprooted malady—which I would like to characterise as lack of local government which is responsive and responsible to the people-at-large.' Hence the West

Bengal Government wanted to ensure that 'local democracy resumes its place as a major part of our democratic system itself' because of the possibility inherent in local democracy to 'spread political powers' and to 'enhance accountability'.<sup>8</sup>

With this declared purpose, the Calcutta Act (and later the Howrah Act also) vested municipal executive power in a political executive which would remain accountable to the electorate. The conventional system of the standing committee, with councillors devoting part-time work, has yielded place to the full-time mayor-in-council. The mayor, and not the municipal commissioner, would exercise executive leadership. Under this form of management structure the mayor would be elected by the elected councillors, and his colleagues in the mayor-in-council who would be chosen by him from among the elected councillors would enjoy office during his pleasure. The mayor would cease to play the role of the corporation's presiding officer and this job would be performed by a new functionary, called the chairman. Under this system, the corporation would enunciate policies concerning the municipal government, approve programmes and their priorities, and incorporate them into budgetary and fiscal measures. The corporation would exercise only limited executive power while the executive functionary would be the mayor-in-council, through the commissioner, who would be answerable to the corporation for its performance. The corporation would have the power to remove the mayor-in-council by passing a no confidence resolution by a simple majority. There is also the provision of a statutory municipal accounts committee on the lines of the Public Accounts Committee in the parliamentary system of government.

#### RECOMMENDATIONS OF THE STUDY GROUP

Meanwhile, devising a suitable management structure for urban local government continued to be a matter of serious concern to the Central Council for Local Government and Urban Development. In pursuance of the resolution of the Central Council in December, 1980, the union ministry of works and housing appointed four Study Groups, one of which was for the purpose of examining the constitution, powers and laws of urban local bodies and municipal corporations. It was a broad-based Study Group consisting of elective elements at the municipal level, administrators having experience in the management of urban development and academic experts on the subject. This review was intended to be a comprehensive inquiry into the problem of urban

<sup>8</sup>For the text of the speech, see *Nagarlok*, Vol. XIII, No. 4, October-December 1981, pp. 74-82.

management structure and its terms of reference were: (a) to examine the organisational structure of various types of urban local authorities, (b) to define the executive structure of municipal corporations in the context of suggestions regarding the mayor-in-council system, and (c) to consider the possibility of introducing uniform laws and regulations for different types of urban local bodies. This inquiry was deemed necessary in view of the emphasis laid in the emerging urban development policy under the fifth and the six five year plans for strengthening urban bodies organisationally and financially and chalking out a strategic role for the urban local governing bodies in national development.

The Study Group recommended to make every municipal body the planning and development authority for its region. On the question of devising a suitable management structure the recommendations of the Study Group revolved round the following basic ideas:

- (i) Cities with a population of one million and over, and capital cities of the states to have the pattern of mayor-in-council.
- (ii) Cities with population less than one million to have the pattern of mayor-in-standing committee.
- (iii) In the mayor-in council form of management structure there would be consultative committees for various subjects chaired by members of the mayoral cabinet.
- (iv) In the mayor-in-standing committee form of management structure there would be a graded committee system with the standing committee at the apex.
- (v) Every corporation to have a statutory accounts committee on the lines of the public accounts committee in the parliament and state legislatures, and it is to be chaired by a councillor drawn from the opposition group/party.
- (vi) Large and medium-sized municipalities to have the chairman-in-standing committee form of management structure on the lines of the mayor-in-standing committee.
- (vii) Under the system of mayor-in-council the commissioner of the city corporation is to be appointed by the state government in consultation with the mayor and withdrawn at his instance.
- (viii) Under the system of mayor-in-standing committee the commissioner is to be appointed by the state government in consultation with the mayor and withdrawn when the municipal council would so demand by a two-thirds majority.
- (ix) The commissioner/executive officer/chief officer of a municipality is to be appointed by the state government but has to be removed on demand for his removal being made by the prescribed majority of councillors.

- (x) Municipal administration to be managed by a unified state-wide municipal cadre of administrative and technical personnel.

### A CRITIQUE

So far as the issue of management structure of urban government is concerned the Study Group brought out nothing which was not thought about before. Its diagnosis is correct and as a matter of fact very well-known: "Today, urban India depicts the picture of 'functioning anarchy'...the city government suffers from lack of coherent political leadership and operational freedom in the management of urban affairs".<sup>9</sup> Hence there was really no ground for not accepting its report as such. But there are a few points on which certain observations are called for.

The Study Group's arguments in favour of the mayor-in-council form of management structure are understandable. Being an approximation (not exactly similar) to the cabinet form of government with which the country is, by this time, quite familiar, the mayor-in-council form of management structure scores better over either 'strong-mayor' or 'council-manager' varieties. Moreover, as it gives enhanced importance to the political wing of the city government, this form of management is likely to attract talents better than those found so far in the service of city government. But the Study Group has not made it sufficiently clear why it is recommending the mayor-in-standing committee form of management structure for cities with population less than a million. Is it solely because of the different size of urban population to be governed? What is, after all, the functional relation between the size of population and the form of management structure? The reason advanced by the Study Group is that million-plus cities and state capitals need "a system that ensures sufficiently strong political leadership" because these cities may find themselves "involved in sorting out political issues of public importance and strategic place in national framework and not merely in regional or local one".<sup>10</sup>

It is true that the traditional functionaries in the Indian city government like the ornamental but powerless mayor, the functional subjects committees having short tenure with their part-time members, and the state-appointed commissioner being non-accountable to the people's representatives in the local council for running the administration, etc., have all become out of date by the sheer compulsions of technological developments and planning techniques used in the

<sup>9</sup>*Report*, p.7, paras 3.9 and 3.11.

<sup>10</sup>*Ibid.*, p. 8, para 3.16.

management of urban government. The traditional system is open to the serious objection that it does not allow for continuous political supervision over municipal administration and, therefore, invariably leads to bureaucratic control of the city government. In the management structure of big cities the focus of authority remains indeterminate. Hence the case for reforming it. But reformers must have a clear idea of the rationale of reforms. In the field of city government in India there have been organisational efforts in the past to keep the process of urban development separate and undisturbed by the politics of urban areas. But these experiments with improvement trusts and development authorities have proved counterproductive, and in recent years the demand for more responsive and responsible management of urban development has become difficult to resist. The mayor-in-council form of management structure has been advocated (and already accepted in the Calcutta and Howrah corporations) precisely for the purpose of unifying four kinds of management roles—political, executive, decision-making, and participatory—into a single management organ. Hopefully, this management innovation would establish the much-needed nexus between the urban development process and the political actors in the metropolitan and big cities. This organisational arrangement is expected to safeguard the interests of urban governmental institutions by replacing the earlier fragmented structure of management (corporation-standing committee-commissioner) which did not allow for single-minded attention to resource allocation, resource mobilisation, and resource accumulation for urban development. All these management processes have political implications which call for political leadership and management capacity. The mayor-in-council form of management structure is expected to take care of this job along with the usual political processes like distribution of patronage, power sharing, and popular participation. Bottlenecks in managing municipal affairs arising out of different functionaries working at cross purposes would thus be eliminated. The usual 'cold war' developing between the state-appointed executive, called the commissioner, who tries to exercise executive authority without political interference on the one hand, and the injured but helpless political leadership without executive power, on the other, has so long been the major stumbling block to any improvement in the service delivery system of municipal corporations in big cities. The nature of the management ills plaguing the big municipalities has perhaps been similar wherever there has been attempt to centralise or unify municipal service cadres. The remedy in the case of not-so-big cities like those having population more than 500,000 but less than a million does not, therefore, lie in adopting a different form of management structure. The planning and development of these cities have already acquired critical



dimension in India's total process of urban development. There is no reason why the mayor-in-council form of management structure cannot be tried in these cities also. So far as the medium and small cities and towns are concerned, the existing 'weak-mayor' variety may be continued. But whether such reforms in the management structure would automatically improve the internal management process within the machinery of city and municipal government is altogether a different point which deserves separate consideration. What is expected from this management structure reform is that decision-making mechanism would be streamlined, the endemic debilitating conflict of authority between coordinate municipal functionaries would be eliminated, and a corporate accountability of municipal executive to the elected municipal bodies would be established. In short, we would like to have responsible and responsive municipal government for ensuring coordinated urban development.

#### CONCLUDING REMARKS

Even after this reform in management structure is achieved, a few more problems would remain to be grappled with. The entire scheme of mayor-in-council visualises the emergence of the mayor-oriented management in the city corporations. Would the state governments agree to accommodate this new centre of power and influence in the municipal corporations? Up till now the political-administrative tradition followed in India in this area of governance show that the attitude of the state governments toward city government has been a mix of neglect, dependence, mistrust and sporadic interests, and consequently the net outcome has been a sort of mutual dislike for each other. The all-important question of decentralisation of powers and responsibilities to city governments has to be squarely faced. The problem would be politically very sensitive and critical when one political party would be controlling the state government and its political adversaries would be controlling the urban seat of government. If no political accommodation could be seen, the whole management experiment with the mayor-in-council system would only increase popular frustration. What is worse, such frustration in all probability would help increase bureaucratic control of urban government. The reformers of urban government would, in that case, find themselves back to square one. □

# THE CHAIRMAN UNDER THE BENGAL MUNICIPAL ACT

SUBRATA KUMAR MUKHERJEE

IN WEST BENGAL municipalities the executives are the: (i) Board of Commissioners (the municipal council), (ii) the Chairman, (iii) the Vice-Chairman, and in exceptional cases (iv) the Executive Officer. We are mainly concerned here with the chief executive authority, *i.e.*, the Chairman.

The Chairman occupies a pre-eminent position in the municipal government of West Bengal. He is the supreme executive head of the municipality. His functions are numerous. He not only guides the deliberations of the municipal board (council) but also executes their decisions and directives as the principal head of the municipal body.

The mode of election of both the Chairman and the Vice-Chairman is indirect. There is no special qualification laid down for the office of the Chairman. Generally, the leader of the majority party or group is elected Chairman. As per provision of the Act, the Chairman is elected<sup>1</sup> by the commissioners (councillors) from among themselves within 30 days from the publication of the general election result in the official Gazette. It is also provided that if the commissioners fail to elect a Chairman within the stipulated period the state government shall appoint by name one of the commissioners as the Chairman of the Board. The Chairman (elected or nominated) holds office for four years from the date of his election or nomination as Chairman. He may resign before the expiry of his term by submitting necessary notice in this behalf to the board of commissioners. He may be removed by the board and the removal becomes mandatory if a motion for such removal is adopted at a meeting specially convened for the purpose and supported by two-thirds of the total number of members of the house holding office for the time being. In case the number of members supporting the motion is less than two-thirds but more than half of such commissioners, the state government may by order remove the Chairman.

There is no provision for any fixed remuneration for the Chairman. Of course, he may draw travelling allowances for attending municipal duties within and outside the municipal area. The Chairman or the

<sup>1</sup>In the two hill Municipalities of Darjeeling and Kalimpong, the Chairmen are appointed by the State Government.

Vice-Chairman may be allowed leave of absence by the commissioners at a meeting for any period not exceeding three months in any one year. It has been further provided that in case such period of absence is extended for more than three months in any one year, the sanction of the state government has to be obtained. Under the Act, the Chairman may delegate any of his statutory duties and powers to the Vice-Chairman or to any of the officers of the municipality mentioned in Sec. 73(1) of the Act.<sup>2</sup> The board of commissioners at a meeting specially convened for the purpose may also make similar delegation to the Vice-Chairman or to any of the officers stated earlier.

Powers that have been delegated by the commissioners at a meeting can only be withdrawn or modified by them at a special meeting. The Chairman may also withdraw or modify the powers delegated by him.

It has already been indicated that the Chairman as the chief executive head enjoys considerable authority and power. Section 51 of the Bengal Municipal Act, 1932 has laid down in broad terms the powers of the Chairman.

1. The Chairman shall for the transaction of the business connected with this Act, or for the purpose of making any order authorised thereby, exercise all the powers vested by this Act in the Commissioners and, whereby any other law power is vested in the Commissioners for any purpose, the Chairman may transact any business or make any order authorised by that law in the exercise of that power unless it is otherwise expressly provided in that law.

Provided that the Chairman shall not act in opposition to, or in contravention of, any order of the Commissioners at a meeting or exercise any power which is directed to be exercised by the Commissioners at a meeting.

2. In any municipality where an Executive Officer has been appointed under section 66 or sub-section (1) or sub-section (4) of section 67, the Commissioners at a meeting may, notwithstanding anything contained in sub-section (1), delegate to him all or any of the powers of the Commissioners and shall, if required by the State Government to do so, delegate to him such powers of the Commissioners as the State Government may direct, and upon such delegation the Commissioners shall cease to exercise the powers so delegated to the Executive Officer.

<sup>2</sup>The officers mentioned in Sec. 73 (1) of the Bengal Municipal Act, 1932, are the following:

Executive Officer, Secretary, Engineer, Health Officer, Superintendent of Water Works, Sanitary Inspector, Assessor, Tax-Collector, Accountant or Overseer.

From a study of the aforesaid provisions, it is hardly possible to assess the specific jurisdictions where the Chairman has to exercise his powers. Some of the contemporary Municipal Acts of other states have made clear and precise provisions in regard to the executive head of the respective municipal councils. Section 51 (1) of the Madhya Pradesh Municipalities Act, 1961 provides:

It shall be the duty of the President of the Council: (a) to preside, unless prevented by reasonable cause, at all meetings of the Council and subject to provisions of the rules for the time being in force to regulate the conduct of business at such meetings; (b) to watch over the financial and executive administration of the Council and perform such executive functions as may be allotted to him by or under this Act; (c) to exercise supervision and control over the acts and proceedings of all officers and servants of the Council in matters of executive administration and in matters concerning the accounts and records of the Council; (d) to direct, in cases of emergency, the execution or stoppage of any work or the doing of any act which requires the sanction of the Council and the immediate execution or the doing of which is, in his opinion, necessary to the service or safety of the public and that the expenses incurred in the execution of such work or doing of such act shall be paid from the Municipal fund

Provided that—

- (a) he shall not act under clause (d) in contravention of any order of the Council prohibiting the execution of any particular work or the doing of any particular act, and
- (b) he shall report forthwith the action taken under clause (d) and the reasons therefor, to the Standing Committee at its next meeting.

Similarly in the Jammu and Kashmir Municipal Act the following provision in regard to the powers and functions of the municipal President has been provided:

It shall be the duty of the President of a Council to—

- (a) preside, unless prevented by reasonable cause, at all meetings of the Council and subject to the provision of the rules or bye-laws made under this Act regulate the conduct of business at such meetings.
- (b) watch over the financial and executive administration of the Council and subject to the provisions of this Act, perform such

other duties as may be delegated to him from time to time.<sup>3</sup>

There is also provision for the exercise of extraordinary powers of the President in case of emergency.

According to the 'Model Municipal Act' prepared by the All-India Institute of Local Self-Government, Bombay, the President of a Municipality shall perform the following duties:

1. to preside at all meetings and to regulate the conduct of business in the said meetings;
2. to watch over the financial and executive administration of the municipality and to perform such executive functions as may be allotted to him;
3. to supervise and control over the acts and proceedings of all officers and servants of the municipality in matters of: (a) executive administration, (b) in matters relating to accounts and records of the municipality; and
4. the Chairman may also exercise emergency powers under special circumstances.<sup>4</sup>

It may be mentioned that there is statutory provision for any Executive Officer in the Municipal Acts of most of the states. This salaried officer shares some of the executive duties along with the municipal President/Chairman.

In West Bengal, the appointment of Executive Officer, in normal circumstances, has been left to the discretion of the board of commissioners. Out of 89 municipalities in the state, only two municipalities, namely, Howrah and South Suburban (Behala), used to maintain the services of the Executive Officer. Of course, the State Government may directly appoint an Executive Officer in a municipality under Sec. 67A of the Bengal Municipal Act. An officer appointed under this section is invested with some of the powers of the board of commissioners directly delegated to him by the state government. The appointment under this section is treated as an instance of 'partial supersession' of the municipality.

On a closer examination of the Chairman's powers as provided in Sec. 51, it is observed that the Chairman is empowered to exercise all those powers which have been vested in the commissioners in the Act. The Chairman is further empowered to exercise those powers and functions which have been vested in the commissioners in other Acts

<sup>3</sup>Sec. 25 of the Jammu and Kashmir Municipal Act, 1951 (as amended up to 1969).

<sup>4</sup>"Draft Model Municipal Act" prepared for the Union Ministry of Health by the All India Institute of Local Self-Government, Bombay, 1958.

also.<sup>5</sup> Of course, the Chairman cannot exercise those powers and functions which have been clearly excluded from his jurisdiction by the commissioners at a meeting. Nor has he any authority to function in contravention of any order of the commissioners at a meeting.

The board of commissioners may further limit the powers of the Chairman by delegating all or any of the powers of the commissioners as provided in the Act to the Executive Officer (under Section 67). Upon such delegation, the Chairman shall cease to exercise those functions of the commissioners.

Incidentally, it should be pointed out that in the Act and Rules there are certain powers which have been expressly vested in the Chairman and in such cases the proviso of Section 51 does not, of course, apply. These powers are in the nature of prerogatives of the Chairman.

Some broad fields are mentioned here in order to indicate the vastness of the powers which the Chairman of a West Bengal municipality exercises as the principal municipal executive. These are:

1. powers relating to the board (council);
2. powers and functions relating to administration (establishment);
3. powers relating to municipal finance and budget;
4. functions relating to taxation and review; and
5. other functions.

The Chairman is the convener of all the meetings of the board of commissioners. In the absence of the Chairman, the Vice-Chairman may also convene these meetings. Generally, the Chairman has to preside over all the meetings.

He not only participates in the council discussions but also guides the board in framing policies. As the president of a meeting he gives rulings on all controversial matters. He is the chief spokesman of the board and represents the council in all official matters. He maintains the minutes of all proceedings and submits the same to the District Magistrate within a stipulated period. As the chief executive, he executes and implements all the decisions and directions of the board of commissioners.

The Chairman prepares with the help of the staff the Annual Administration Report of the preceding year and submits the same to the State Government and the District Magistrate.

The Chairman has exclusive jurisdiction in the matter of appointment of staff receiving monthly salary up to rupees fifty. He cannot, of course, dismiss any of them without the consent of the commissioners at a

<sup>5</sup>Mention may be made of some of these Acts such as Calcutta Hackney Carriage Act, 1919, Cattle Trespass Act, 1871, Licensed Warehouse and Fire Brigade Act, 1893, and the Bengal Food Adulteration Act, 1919.

meeting. He supervises the work of all officers and staff who remain primarily under his control. He can reallocate their duties and if required, may ask explanations from them. He may even suspend them subject to the approval of the board. In a big municipality, he has to attend his office daily and has to work at least five to six hours. There is provision for the committee system. But in spite of the committees, the Chairman has to coordinate the work of the municipal departments.

The Chairman prepares the annual Budget (original and revised) with the help of the Secretary or the Accountant. It is also his statutory duty to publish the budget estimates as per provisions of the Act and Rules and to submit the same to the higher authorities after due adoption by the board of commissioners. He has also to see that the provisions of the Budget are being properly implemented and, unless otherwise decided by the board of commissioners, all expenditure is being made under his orders. Issuing of tenders, signing of contracts and all other items of municipal work fall within the regular duties of the Chairman.

The taxation policy of the municipality is determined by the board of commissioners. But the Chairman has to look after the collection of rates and fees. Although under the rules, the Vice-Chairman has been assigned certain duties in regard to collection, he does it on delegation by the Chairman, who may also delegate these duties to the Executive Officer or the Secretary. The Chairman has exclusive authority in the matter of publication of the Assessment List. He signs it and publishes it for inspection by the public. He is a member of the Review Committee, for hearing objections against assessments and for the purpose of determining the objection cases by the Committee formed under Secion 149 of the Bengal Municipal Act.

The Chairman has to deal with all building plans. He has to examine the reports submitted by the public works department in regard to new building plans. The permission to execute new work (including alteration of building) may be refused if they do not conform to the specifications provided in the Act and Rules. The Chairman, on behalf of the board of commissioners may also order for demolition or alteration of buildings on certain grounds as provided in the Act. He may stop the execution of unlawful and unauthorised constructions. If required, he may also take the help of the police in these matters. But he cannot start any prosecution cases for the aforesaid offences without the order or consent of the commissioners at a meeting. Besides these, the Chairman also wields a few additional powers such as the one relating to the declaration of a building as unfit for human habitation.

It has already been indicated that the Chairman as the municipal executive head enjoys considerable authority and power. It is obvious that so long as he commands a majority in the council, he can safely

exercise these powers. In the Act, an individual commissioner has not been assigned any role to play. A commissioner can only function when the collective body, i.e., the board of commissioners, meets and deliberates. In between the meetings of the board, the Chairman is the supreme authority. He is the Grand Mughal of municipal government. He has no rival as yet (in normal circumstances) who can challenge or share his powers and authority. The Vice-Chairman shines practically in the light of the Chairman. Under the Act, the Vice-Chairman does not enjoy any powers unless specific powers are delegated to him either by the Chairman himself or by the board of commissioners.

Compared to the municipal bodies in other states in India, the position of the Chairman in West Bengal is something unique. In other states, the office of the Executive Officer in the municipal institutions is more or less a permanent feature. He shares, to a large extent, the powers of the President/Chairman. The President's position, in the changed circumstances, has become more deliberative than executive. In West Bengal, necessary modification of the Chairman's powers has become an urgent necessity. It is hardly possible for the Chairman, particularly in a big municipality, to cope with the growing volume of work. It is being seriously considered that municipalities having income of eight to ten lakhs rupees should provide an Executive Officer belonging to a permanent cadre. It is also suggested that the main functions of the elective head should be policy-making and coordination. Further, he has to maintain contact with the public as also with the higher authorities. It can be readily understood that if the Chairman's energy is spent on day-to-day executive work, then surely the former responsibilities will suffer. The work of municipal bodies is getting increasingly complicated and technical in nature. Particularly, the handling of labour staff requires experience and acquaintance with up-to-date labour laws of the country. It is being keenly felt that these matters be left to the salaried officers who have experience and necessary training in the respective subjects. The committees play a minor role in West Bengal municipalities. They are not assigned any specific statutory duties. In the larger interest of democracy, committees should be allowed to play their roles. Thus, by appointing regular executive officers and by properly utilising services of a Standing Committee, the unhealthy concentration of powers in the hands of the Chairman may be effectively checked. □



# PERSONNEL SYSTEMS AND MUNICIPAL MANAGEMENT STRUCTURE

MOHIT BHATTACHARYA

THE IMPORTANCE of a sound personnel organisation in municipal administration hardly needs any emphasis. It is through the combined effort of the elected civic leaders and the appointed municipal staff that the municipal administrative machinery can be run. They are complementary to each other and the success of municipal administration depends largely on the harmonious relationship between them. The municipal civil servants are, however, an aid to the elected council. Their duty is to advise the council in the discharge of its statutory responsibilities and to implement the decisions of the council. They are supposedly on tap and never on top. The subordination of the municipal civil servants to the elected element in municipal government is a fundamental tenet of local representative democracy. Any scheme of municipal staffing pattern that seeks to violate this basic principle has to be viewed with suspicion, as it may well be intended to subvert municipal democracy in the name of an anonymous 'efficiency'.

A more basic consideration is the conservation and promotion of municipal 'self-government'. When a local government unit is set up in preference to a state departmental branch to administer local affairs, the primary reason is to promote local 'self-government'. Hence, in any municipal reform proposal, 'self-government' is not a negotiable subject, it cannot be bartered away for anything. And 'self-government' at the local level has always to be viewed against the extent of state control over the local self-governing bodies. Whenever an attempt is made to replace local discretion by state departmental control, it is not a reform but a repression of local-self-government. The acid test of a reform proposal lies in its effect on local 'autonomy'.

Municipal problems are so interlinked that any attempt to study a specific problem in isolation from others may lead us to wrong conclusions. Unfortunately, we have actually been following this approach in the name of reforms in municipal administration. Thus, water supply and sanitation problems have been sought to be solved by creating water supply and sanitation boards and educational problems by state take-over of primary education. When the crying need was to remedy the defects of the whole system of municipal government, what in fact was done was to rob the municipalities of their functional responsibilities. If the

motive is to concentrate powers in the hands of the state governments and to denude the municipal authorities of their powers and responsibilities, a more appropriate policy would have been to wind up the sham show of municipal government altogether and to convert local administration into a branch of state administration.

All that has been said above might look like a digression. It was, however, necessary to draw attention to the basic principles of municipal democracy and to the overall problems of the municipal institutions within which alone a specific problem like that of municipal personnel system can be meaningfully discussed. Let us now examine more closely the problems of municipal personnel administration for solving which different systems, unified and integrated, are being advocated or adopted. These can be quickly culled from a recent committee report:<sup>1</sup>

1. The essential ingredients of an effective local service, as indeed of any other service, are integrity, competence, impartiality, contentment and devotion to duty. All these can best be secured by establishing a permanent corps of officials, recruited on merit and having security of tenure and opportunity for advancement through well-graded and adequate scales of pay and a fair system of promotion. These ingredients are generally absent in the services of local bodies.
2. On account of their size and composition, the municipal councils and committees are not able to properly exercise their powers relating to disciplinary action, reduction in rank, removal and dismissal. Municipal officers and staff often curry favour with the councillors for improving their prospects and saving themselves from disciplinary action. It involves them in factional politics.
3. The conditions of service, salary scales and prospects of promotion of municipal officers compare very unfavourably with those in equivalent posts under the (state) government. It is difficult to attract suitable candidates to municipal services and still more difficult to retain them.

The problems of municipal personnel administration boil down to three things: (a) absence of proper rules and regulations regarding qualifications, scales of pay and other service conditions, (b) inability of the municipal authorities in general to offer adequate salary and attractive service conditions to their employees owing, mainly, to their financial constraints; and (c) the debilitating effect of narrow municipal

<sup>1</sup>*Report of the Rural-Urban Relationship Committee*, Vol. I, Ministry of Health and Family Planning, Government of India, 1966, Ch. VIII.

politics which stands in the way of proper management of municipal personnel. A facile argument has been made that these problems follow from the separate personnel system under which the municipal councils enjoy their freedom to appoint their own staff and exercise disciplinary control over them. Since the separate personnel system is an attribute of municipal autonomy, it has naturally come under fire and the obvious recommendation has been to introduce state-wide cadres under the full control of the state government. Like an oracle runs the recommendation: "The only way to rid our municipalities of such unhealthy atmosphere is to ensure that the permanent services do not develop local vested interests and that their posts are made transferable through a system of State-wide cadres."<sup>2</sup>

It is not clear by what logical jugglery this recommendation has been reached. The problems indicated above are very specific in nature and the advocacy for the introduction of state-controlled cadres can hardly be related to them. In fact, municipal personnel problems in India need careful and scientific study after which alone one can suggest solutions. Strangely enough, the *Report of the Committee on the Service Conditions of Municipal Employees*, which has reported on the municipal personnel problems of the entire country, is perhaps the slimmest committee report published so far in India. Within a compass of barely 37 pages, the personnel problems of more than 2,000 municipal authorities in the country have been lightly disposed of.<sup>3</sup>

The introduction of state cadres is very much in the air now-a-days, as if it is the magical open sesame for ushering in a new era of municipal efficiency. A basic question that can be asked at this stage is: are the municipal personnel problems of such a nature that state-controlled cadres will, *of necessity*, have to be introduced? Let us now look back to the three basic problems raised earlier in relation to municipal personnel administration.

The first problem relating to the formulation of rules and regulations regarding qualifications of staff, scales of pay and service conditions is much simpler. It is the duty of the Local Self-Government Department, which is the state house-keeping department for municipal government, to frame such rules and regulations and help the municipal authorities to fix standards of work and proper pay scales. In fact, the LSG Departments in Gujarat, Maharashtra, West Bengal, etc.—where separate personnel system is in vogue—are actually performing this duty, although much more sophistications in their work may be expected.

<sup>2</sup>*Report of the Committee on the Service Conditions of Municipal Employees*, Ministry of Health and Family Planning, Government of India, 1968, pp. 28-29.

<sup>3</sup>Contrastingly, one can read the English Mallaby Committee Report on the Staffing of Local Government (1967) and see how a vast quantity of data and information was collected in support of the Report.

What is needed in these states as in others having the state-wide cadres is to reorganise and strengthen the LSG departments including their directorates in order that they might have adequate expertise to help the municipalities in the staffing of their different sections, job classification and formulation of pay plans. Here the solution does not lie in taking over the control of municipal personnel matters from the municipal councils by the LSG departments which are in general ill-staffed and ill-equipped. No doubt, it needs considerable tact to persuade the municipalities to adopt a sound personnel policy, keeping the controlling powers over personnel in their hands. The civil servants at the state level who move from department to department, like the proverbial rolling stone, do not have any special attachment to municipal government. It is quite likely that they would look at municipal self-government as a hindrance to whatever they would like to push through. Since municipal government does not have many sympathisers at the state-level politics, circumstances are propitious for further extending the radius of state control over the municipal authorities. The answer to municipal personnel problems is thus found in the inevitable state takeover of controlling powers. Hence the state-wide cadres!

The second problem is intimately related to the area of municipal finances. Better scales of pay and attractive service conditions cannot be ensured unless some hard thinking is done about improving the financial condition of our municipal authorities. Basically, the problems of municipal personnel recruitment and retention are the manifestations of municipal financial bankruptcy. Here the solution does not lie in the creation of state-wide cadres, but in putting the municipal finances on a sound footing. Even state finances are in doldrums. The states should, therefore, refrain from giving false promises to the municipal employees which have a tendency to shake off their loyalty to the municipal institutions. Permit me, in this connection, to borrow a quotation from R.M. Jackson's *The Machinery of Local Government*:

There is . . . always a tendency for an officer whose ultimate fate may depend upon the central government to look to the central government for guidance in the conduct of his work. All experience indicates that it is better to have a man whose concern and loyalty is entirely to the authority that he serves than an officer who may have some temptation to do things that he knows will keep him in good favour with the central government. Hence, local authorities should always regard any powers of the central government in this respect as being undesirable and to be justified only in exceptional circumstances.<sup>4</sup>

<sup>4</sup>R.M. Jackson, *The Machinery of Local Government*, London, 1959, p. 104.

The state-wide unified or integrated cadres which are being introduced now in our municipalities are bound to encourage among the municipal employees an unhealthy tendency to switch their loyalty from the municipalities to the state governments.

Let us now take up the third problem which touches on the basic management structure in the municipalities. It has been argued, not without justification, that the municipal employees are often involved in narrow factional politics and it becomes well-nigh impossible to enforce a proper system of reward and punishment. There is truth in this argument. But, is constitution of state-wide cadres under the control of the state government the answer to it? Can we guarantee that once the control is pushed up at the state-level, we will be reaching a politics-free zone? Instead of making another false promise, let us try to face facts. In a democracy, politics is ubiquitous; it is as much present at the municipal-level as at the state-level. To try to take municipal personnel problems out of politics is, therefore, a futile exercise. The solution cannot be found outside of the municipal institutions. This has to be found, within them. This brings us to the very conception of our municipal government. Although our municipal government drew largely on the English model, two distinct patterns emerged during the British regime. One was the *corporation pattern* with a state-appointed Commissioner as the chief executive and a few statutory Standing Committees. Another was the *municipality pattern* where, as in the English model, all powers resided in the Council as a whole; the Chairman or President would both preside over the sessions of the council and watch over the executive administration of the municipality. The committee system is common to the corporation and the municipality patterns, although the standing committees in the corporations are somewhat different in nature from the advisory and supportive committees in the municipalities. The former enjoy important final powers, as distinguished from referred powers, provided in the corporation Acts. Wherever the post of municipal executive officer has been provided in law, the officer has naturally to function under the general control of the municipal Chairman or President. The main defect of our municipal government—be it a corporation or a municipality—is the absence of a central focus of authority. Powers and functions are so distributed among a number of authorities that it becomes well-nigh impossible to fix responsibilities. The entire municipal organisation is everywhere a divided house and all canons of public administration are grossly flouted. The whole Council has certain powers, the Committees have certain others, a Mayor or Chairman may have a few, and the State Government tries to keep as big a chunk as possible. The committee system, apart from fragmenting administration, has a tendency to encourage interference of the councillors in day-to-day administration. In this confusion,

the municipal chief executive either joins in the scramble or remains inert. He finds it hard to enforce disciplinary control over his subordinates who are not appointed by him and each one of whom has some god-father in the Council to give him protection. This is precisely the problem in our municipal administration. What can be the solution to it? Is the introduction of state-controlled cadres going to solve it? That means, will the municipal employees be left in the hands of a different band of god-fathers at the state level? Our tragedy is that all along we have been trying to solve internal municipal problems through external methods and agencies. The problem is essentially one of evolving a concept of political executive in our municipal administration. An illusion has been sedulously nurtured that municipal administration should be non-political and this is not the job of the elected councillors, this is the function of the appointed officials. Hence, a myth has been built-up that the state-wide cadres will solve all problems by extricating the latter from the baneful influence of municipal politics. The diffusion of political influence at the municipal level is due largely to the absence of a central political executive in municipal government which could act as a bridge between the whole council and the formal administrative machinery and shield the municipal bureaucracy against indiscriminate and atomised political interference by each and every elected councillor. Experiments in political executive at the local government-level have been made in many countries. To cite a few instances, in the USA, the strong mayor system, the council-manager type and the commission plan have been evolved. The Swedish local government is famous for its 'executive board' which is a creature of the whole council. There is a unique form of political executive in Ontario (Canada) where, in addition to the council, a small board of control consisting of five persons is selected at large and functions as the executive. These examples point out that the problem of the political executive in local government has been sought to be solved differently in different countries. We in India, unfortunately, have all along been taking the symptoms as the disease and trying to treat the symptom rather than the disease. Municipal personnel problems are the manifestations of a deep-seated malady. These arise largely out of the confusion in the conception of municipal executive. Once this basic problem is solved, many of the present-day personnel management problems in our municipal government will go. The problems that would still remain would have to be solved partly by improving the state of municipal finances, and partly by a revaluation of our values. Financial problems belong to the realm of state-municipal relations and are not insoluble. But, the question of values belongs to the realm of social psychology. And no amount of structural changes can turn a Saul into a Paul. □

# REFORMING MUNICIPAL GOVERNMENT IN INDIA\*

ABHIJIT DATTA

**T**HIS IS the first of the four Study Group (SG) reports prepared in pursuance of resolution of the 18th meeting of Central Council for Local Government and Urban Development held in December, 1980 and placed before its 20th meeting in January, 1983. During the intervening period as many as 14 members were involved in finalising it. Apart from officials, the membership consisted of three academics and two mayors. The report covers a wide range of issues concerning most of the problems of municipal government in the country under three major terms of reference (TOR), viz.: (a) municipal organisational structure, (b) mayor-in-council system in the municipal corporations, and (c) uniform laws and regulations for municipal government. A close look into the contents of the report reveals wide divergence between what was expected and what has been accomplished. We would examine the SG recommendations on the three TOR to evaluate their worth.

## TOR-1. ORGANISATIONAL STRUCTURE

### *Creation of Municipal Authorities*

Following the recommendation of the erstwhile Rural-Urban Relationship Committee (1966), the SG accepted a minimum population limit of 20,000 as a requirement for creation of a new municipality; for smaller urban local bodies the usual census criteria were found to be acceptable; for the municipal corporations a minimum population of 300,000 with an annual income of Rs. 30 million have been suggested. For all urban local bodies, apart from population, other criteria—such as, income, urban character, and the role of the urban area—should be accepted as determining factors. Unless precise indicators are available to judge the sufficiency of the additional criteria in terms of various types of urban local authorities, it is doubtful whether these 'determining factors' could be used for operational purposes.

\*Review Article: *Constitution, Powers and Laws of the Urban Local Bodies and Municipal Corporations*, New Delhi, Government of India, Ministry of Works and Housing, 1983.

### *Municipal Classification*

The existing municipalities and municipal corporations have been graded into various classes by the SG in order to limit the size of their councils, as under :

	Population	No. of Members
(a) <i>Municipalities</i>	(i) Small	15-19
	(ii) Medium	20-29
	(iii) Large	30-45
(b) <i>Municipal Corporations</i>	(i) 300,000 to 500,000	50
	(ii) 500,001 to 1,000,000	51-75
	(iii) 1,000,001 to 2,000,000	76-100
	(iv) Above 2,000,000	101-150

One could argue that a combination of population and income criteria could be used to classify the municipal authorities for a variety of purposes, like, adoption of a staffing pattern, administration of grants-in-aid, etc., in addition to the size of the council. For the municipalities, even a notional population specification for the various suggested grades has not been suggested. This leads one to think that the SG was primarily concerned with the size of the corporation council in relation to city-size. The utility of this type of single-factor classification only to limit the size of the municipal council may be questioned.

### *Municipal Election and Membership*

The suggested term of municipal and corporation council is five years with provision for a year's extension—by and large, this is the prevailing practice. For election to the corporation council, the SG suggests appointment of an autonomous agency by the state government; again this is true of election of all types of municipal authorities.

The SG has suggested reservation of membership in the municipalities and corporations for scheduled castes and tribes in proportion to their population; also, if no woman is elected, the council should coopt at least two women as associate members with a right to vote. The existing aldermanic system in the municipal corporations should be replaced by a system of coopted membership, coterminus with term of council, with the numbers ranging from 3 to 7 for various suggested grades of municipal corporations. The coopted members will have no right to vote or to hold any municipal office. For the municipalities, the SG suggests induction of *ex officio* members, ranging from 2 to 5, without any voting rights. The rationale for these suggestions is to introduce an element of expertise in the working of municipal government. The danger of inducting such outside elements within the municipal



council is the same as in the prevailing aldermanic system where even experts could be politicised through this process showing allegiance either to the ruling party of the municipal council or the state government. With the introduction of a political executive in the municipal corporations, as suggested by the SG later, the value of such cooption may be open to doubt. It is not clear whether the *ex officio* members of the municipalities would have any right to vote; in case this is conceded the municipal council may be the battle ground for state-municipal conflicts. The analogy of panchayati raj institutions in this context may not be quite relevant, since traditionally municipal governments have functioned away from the state's field administration since the Montford reforms in the 'twenties. Perhaps it is too late to turn the clock back after 60 years of municipal autonomy in the country!

The SG made elaborate recommendations regarding the resignation, cessation and removal of municipal and corporation members which are already in force in most of the states. If these are read along with its suggestions for induction of non-elective members in the municipal arena, one wonders whether the intention is to allow the state government's finger even in the pie of municipal councils and thus attempt to integrate two levels of government through devious means.

#### *Small Urban Local Authorities*

On the organisational front, the SG considered the issue of democratisation of the smaller urban local authorities, *viz.*, (a) town area committees, (b) notified area committees, (c) townships, and (d) cantonments. A full-fledged democratic set-up has been suggested for the town area committees, with representation of special interests, like, the scheduled castes and tribes, and women. For the notified area committees the suggestion is to accord them municipal status within two years of their constitution. How exactly this is to be achieved, given the criteria of municipalisation discussed earlier, is left unexamined. Regarding industrial townships, it is suggested that these may be constituted with due regard to "the popular aspirations of the residents . . . while managing their affairs". One wonders what exactly it means! The SG also suggests creation of notified area committees in the fringes of such townships with suitable contribution from the industries owning the townships for proper development and maintenance of the fringe areas. How far this would be forthcoming—even from public sector enterprises—is, of course, a matter of conjecture.

As in the case of industrial townships, the SG understandably had some difficulty in suggesting radical democratisation of the cantonments. While the SG suggests further democratisation on the cantonment boards, its operative recommendation calls for the functioning of only the civil area committee of the cantonment board to act like a municipal

body. How this will take place with the partially-elected cantonment boards, is not spelled out.

### *Metropolitan Government*

The SG started with an assertion that the metropolitan and urban development authorities in India "are a unique contribution to the art of urban governance" (*sic*)! Later, it modified its stand by stating that "between the twin national objectives, *i.e.*, democracy and development, the metropolis is striving for the attainment of the latter at the expense of the former because of the *faulty structural solutions* that are found for the problem of its governance" (emphasis added). The SG found that the existing metropolitan authorities and the municipal corporations are both inadequate in providing the necessary organisational set-up for solving the problems of the metropolitan areas and thought that a "regional government will replace the functional jungle" and end the present dichotomy between maintenance (the municipal sphere) and development (the concern of the metropolitan authorities). Having discovered this 'unique' solution, which was noted as existing "in all the advanced countries of the world", the SG called for a proper reallocation of functions between the state government and the regional metropolitan government. What it did not indicate is that neither the state governments, nor the international funding agencies, are at all keen to follow the democratic solution to metropolitan problem. In the end, the issue was left open without any formal recommendation by the SG and its enthusiasm for a two-tier metropolitan government came to an abrupt end.

### *Municipal Functions*

Basically three issues have been tackled by the SG with regard to municipal functions: (a) listing of obligatory and optional tasks; (b) the question of *ultra vires*, and (c) functional separation between the municipal authorities and the state government. The SG considers it useful to continue with the existing practice of listing obligatory and optional functions in municipal legislations; at the same time it recognises that this may have to be related to the resource availability and technical competence of various levels of municipal government. A logical corollary of this situation would, however, entail differential functional lists for not only different types of municipal authorities, but even for the various suggested grades among the broad types. Moreover, in the absence of any quantitative specification of minimum service level, in practice it is not possible to objectively assess the adequate fulfilment of obligatory tasks by the municipal authorities so that the exercise of state powers of supersession or direction to the municipal bodies for specific performance may indeed be quite arbitrary. Therefore,

the practical import of indicating obligatory municipal functions is to strengthen the armoury of state control which may be used for political ends. From the municipal angle, such differentiation merely means creation of permanent account heads for the obligatory functions.

The question of *ultra vires* has been discussed quite exhaustively since the Maud Committee (1967) in Britain indicated its preference for the continental practice of 'general competence' of municipal functional domain. The SG also follows the same line of thought without realising that the Maud Committee could be faulted since general competence flows from the locale of reserve powers; in the British and Indian municipal contexts the *ultra vires* concept underlines the limitations under a delegation plan of the higher levels of government enjoying the reserve powers. Essentially the same problem arises when one considers separation of functional domain of the state and municipal governments. A practical arrangement for such separation already exists in the sphere of municipal tax powers where the state government can intrude into the municipal sphere only after passing a tax legislation which withdraws the specific municipal taxation power enjoyed under the municipal legislation. Similar arrangements could be made in the municipal functional area as well. This unfortunately the SG could not comprehend and ultimately messed up the issue on the rock of constitutionalism.

### *Personnel System*

The SG has suggested that while creation of posts should be done by the municipal authorities, the actual appointments should be done through a variety of means: class I posts should follow the rules of relevant state cadre, class II posts are to be filled on the basis of selection by the state public service commission, while the municipal authorities would appoint persons in the remaining classes III and IV posts. Appointees in class II posts would belong to a state cadre of municipal functionaries to be administered by the state director of municipal administration. There would be a promotion quota for the class I posts. Essentially, however, these posts are to be manned by state officials on deputation, as in the case of most municipal corporations. In other words, the class I posts would be mostly reserved for state employees belonging to an integrated cadre, the class II posts would be reserved for state appointees to an unified cadre, while the remaining classes III and IV posts would form separate municipal cadres. This brings uniformity between the municipal corporations and the municipalities so far as staffing is concerned; whether the municipal corporations would accept the role of the state directors in their staffing matter (for class II posts) or whether the top municipal staff belonging to the integrated cadre would have the necessary orientation in municipal administration are matters of speculation. Again, it is not yet establish-

ed that cadre system is necessarily a superior staffing device than the separate personnel system with its flexibility, specialisms and, most important of all, unified control. In fact, a position classification system may be desirable over the cadre system for all public employment. It is possible to regulate municipal staffing through rules formulated by the state government even under a separate personnel system, as in the case of state undertakings and institutions of higher learning. It would be useful to know the experience of the states with and without state cadres of municipal personnel to see how far the assumption of improvements in municipal performance with centralisation of personnel system holds true.

### *Fiscal System*

On the fiscal front, the SG examined municipal budgeting and problems of valuation for property tax. Regarding municipal budget, the SG's recommendation for ending with the system of state approval is realistic as no state government has the machinery to scrutinise these budgets; in case of municipal authorities with a defaulted debt position, however, there could be some problem. Similarly, the SG's suggestion for a state-level central valuation organisation may have to be considered along with such anaemic bodies which already exist either as executive agencies (Orissa and Assam) or as a statutory body (West Bengal). None of these valuation organisations have a record of success. The question of the valuation base for property taxation was considered, but the SG has no positive ideas as to how the rent laws could be liberalised so that the existing rental method of valuation may function, or whether it is possible to change over to some other bases of valuation. Instead, the SG comes up with a confused idea that the rent laws should not allow contractual (below market) rent to be used for property valuation. Existing municipal legislations already provide that declaration of collusive rent may be disallowed by the valuation authorities.

## TOR-2. THE MAYOR-IN-COUNCIL

### *Dual Executive System*

The SG recommends a dual pattern of executive for the municipal corporations: (a) cities with a million-plus population will have a mayor-in-council (MC), and (b) smaller cities will have a mayor-in-standing committee (MSC). In other words, for the million-plus cities there would be an executive mayor, while for other cities the existing commissioner-oriented executive will continue in the municipal corporations. Although the term mayor has been used in both types of corporations, his role is radically different under these two situations: the executive-mayor presumably will shed his speakership role to be discharged by a council-chairman, and select his team of executive

councillors from among the elected council members belonging to a single party; the speaker-mayor, on the other hand, continues with his chairmanship of the council and also heads a team of councillors elected on the basis of proportional representation to the standing committee. It is not quite clear why the mayor-in-council system should not cover all the municipal corporations, if the existing system of commissioner-oriented executive is regarded as undesirable or found to be unworkable. Presumably, the SG made this compromise in the face of resistance to the mayor-in-council from the state governments and its bureaucracy. However, this has resulted in a confused situation whenever the SG makes recommendations on the executive system of all municipal corporations.

#### *Mayor's Term*

The SG recommends that the term of the mayor should be coterminus with that of the council unless: (a) there is a motion of no-confidence pressed by three-fourths of the total councillors, or (b) his budget is not adopted by the council. Surely, under the MSC, such a stability of the mayor's tenure may not be quite important since the executive functionary there would be the commissioner, instead of the mayor under the MC. Similarly, the resignation procedure for the mayor would also differ under the MC and MSC plans.

#### *Committee System*

The SG suggests that every corporation should have a statutory Accounts Committee headed by the opposition group/party. In addition, the MC corporations may have only advisory committees, while the MSC corporations may have other executive committees (e.g., functional or territorial) with the standing committee at the apex. The difficulty of a statutory Accounts Committee under the MSC arises from the fact that both the standing committee (SC) and the accounts committee (AC) would consist of similar shades of membership with proportional representation from the council and it is somewhat difficult to envisage that: (a) the AC would be able to effectively check the SC, or (b) the SC would allow its activities to be closely scrutinised by the AC which is subordinate to it. Therefore, a statutory AC is relevant only under the MC corporations. It is also curious to note that the SG talks about a majority group/party even under a MSC corporation; technically, a party system is not recognised under the MSC as it is not an executive functionary.

#### *The Commissioner*

SG recognises the differential status and role of the commissioner under the MC and the MSC corporations when it recommends that in

the MC corporations the commissioner would be appointed and withdrawn at the instance of the executive mayor, while under the MSC corporations he would be appointed in consultation with the presiding mayor and withdrawn when the council with a two-thirds majority asks for his removal. However, the point that needs emphasis is that under the pure type of MC corporations (cabinet variety), the commissioner would exercise his executive functions on the basis of delegation from the MC; on the other hand, under the MSC corporations the commissioner continues with his role of a coordinate executive authority along with the corporation and the SC, as well as acts as its statutory executive functionary. The SG unquestioningly accepts the modified version of the Calcutta-Howrah MC proposal, presumably to win over the doubtful Thomases without assigning any logical justification for such a compromise. As in the case of the mayor, the commissioner also performs different roles under the MC and the MSC corporations.

### **TOR-3. UNIFORM MUNICIPAL LAWS AND REGULATIONS**

#### *Legislative Uniformity*

The SG suggests that : (a) municipal government as a subject should be placed under the Concurrent List of the Constitution, and (b) a uniform central model municipal law may be framed. While the first suggestion is an issue of centre-state relations, it is possible for the central government to pass a model central legislation on the same lines as the urban land ceiling and regulation law to be adopted by the state legislatures. However, the initiative in this respect has to come from the state governments. If the past resolutions of the Central Council for Local Government and Urban Development in this regard are any guide, such an eventuality seems a remote possibility.

#### *Uniformity in Regulations*

The SG has not specifically suggested unification of municipal regulations, presumably because such uniformity would come about once a model central legislation is brought into operation. However, the SG has indicated the need to formulate model municipal bye-laws by the state government which would "reduce conflicting approaches on the part of various local (municipal) authorities ensuring uniformity". Such regulations will have only state-wide application and would be a poor substitute for introducing wider uniformity as envisaged in the TOR. □

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## 120 *Municipal Executives in India*

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